Manitoba Task Force on Meech Lake

Report on the
1987 Constitutional Accord

Chairperson:
Professor Waldron N. Fox-Decent

The Honourable Gary Filmon
Premier of Manitoba

October 21, 1989

Dear Premier Filmon:

Nearly eight months ago you established the Manitoba Task Force, from all political parties in the Legislature, to hear and consider the views of our citizens on the Meech Lake Accord. After extensive public hearings, the consideration of written briefs and careful deliberation within the Task Force, we are now pleased to submit our final consensus report, which contains nine recommendations, six of which require amendment to the Meech Lake Accord.

These few recommendations are intended to capture Manitoba's current view of Canada, and of reform to the constitution. Our citizens want to be part of a vibrant and united country within which Provinces and Territories function vigorously and effectively in their own jurisdictions, but ultimately embrace and support the national interest. There is much room here for enriching diversity; there must remain, however, a fundamental commitment to the well-being of the Nation as a whole. In this spirit, we strongly support the goal of Quebec becoming a full participant again in the constitutional process.

In your letter of last March confirming my appointment, you wrote as follows:

> "Constitutional reform is an issue of fundamental importance to all Canadians. I believe this Task Force will make a positive contribution to our efforts to resolve the current constitutional impasse and make progress towards the common goal of national unity."

It is our sincere hope that we have fulfilled this mandate.

In closing, I acknowledge with pleasure the patience, wisdom and dedication of my colleagues on the Task Force in searching for and finding a common agreement on the issues before us. We are much indebted to our staff members for their excellent support to the entire process.

Yours faithfully,

Wally Fox-Decent

W.N. Fox-Decent
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Our warmest thanks are given to the many people who made presentations to the Task Force. To encourage as many Manitobans as possible to attend the hearings, we provided French-English translation services upon request, English-Cree translation services at Garden Hill, child care facilities, and access for the disabled. We were heartened that so many Manitobans took the time to express their views on the Meech Lake Accord or to listen and lend support to their fellow citizens.

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CHANGING THE CANADIAN CONSTITUTION:

Constitution-Making in Manitoba

> May the New Province of Manitoba always speak to the inhabitants of the North West the language of reason, truth and justice.
>
> -George-Etienne Cartier
> 1870
> As inscribed on his statue found on the grounds of the Manitoba Legislative Building

Changing its constitution is one of the most challenging tasks a nation may face. The constitution symbolizes the past, present, and future of a country. Changes to the constitution must be consistent with the fundamental beliefs and principles embodied in the document, but also must serve as a guide for the future. Only if the changes meet these criteria, will the constitution continue to unite the state and to encourage the nation to flourish.

Manitobans are acutely aware of the difficulties involved in changing the constitution of a nation as diverse and complex as Canada. When considering any changes to the Canadian Constitution, Manitoba has addressed them in "the

language of reason, truth and justice" as Georges Etienne Cartier advised so long ago. As the keystone province, Manitoba believes that its responsibility in the process of constitutional reform is to blend its vision for Canada with its role within Canada. The Manitoban vision of Canada is one of goodwill, harmony, and equality. The Constitution should reflect this vision by serving as a bond between citizens, between governments, and between citizens and their governments. Changes to the Constitution must strengthen the ties uniting Canadians, if Canada is to fully realise its potential as a nation. By strengthening the whole, the parts will remain strong. By strengthening the parts, the whole will remain strong. As has often been said, "Canada is more than the sum of its parts."

Manitoba has approached the 1987 Constitutional Accord, popularly called the Meech Lake Accord, with this understanding of Canada in mind. On March 3, 1989 Premier Gary Filmon announced the creation of an independent, all-party Constitutional Task Force on Meech Lake to advise the government. The mandate of the Task Force was to provide Manitobans with the opportunity to state their views and concerns on the 1987 Constitutional Accord. The government would wait until it had heard the Task Force findings before proceeding any further with the Meech Lake Accord.

The hearings conducted in Manitoba were the most extensive held in Canada. Over 300 Manitobans made

presentations before the Task Force. Over 40 individuals and organisations from Manitoba who did not appear before the Task Force submitted written briefs. All of the presentations and briefs are listed in the appendices to the report.

The hearings were open to all Manitobans. The Task Force attempted to make sure that the maximum number of Manitobans had the opportunity to make a presentation. In the spirit of accessibility, the Task Force travelled to Winkler, Island Lake, The Pas, Thompson, Brandon, Dauphin, and Winnipeg. Twelve hearing days were committed to the process.

Manitobans generally welcomed the opportunity to speak out on the Meech Lake Accord. Presenters ranged from organisations to private citizens of all backgrounds. They represented an impressive cross-section of Manitobans. Varied and often colourful perspectives were offered on the Meech Lake Accord and what it means for Canadians and Manitobans. Many of the briefs were reflective and conjectural. Many were succinct while others were more expansive. The large majority of presentations were sensitive to what the Accord symbolised for Quebec. Most welcomed the prospect of Quebec's signature on the **Constitution Act, 1982**. Some were poignant and heartfelt. All were sincere expressions of the desire of Manitobans to cooperate in the strengthening of the Canadian political

union.

A substantial portion of the presentations concentrated on the Meech Lake Accord in relation to the Canadian Charter of Rights and Freedoms. Women criticised the implications of the Accord for the threat it represented to the equality rights entrenched in the constitution in 1982. Aboriginal organisations criticised the Accord for its neglect of their concerns. Multicultural groups spoke out against the potential impact of the Accord on them. Civil liberties groups expressed concern over the effect of the Accord on the Charter of Rights and Freedoms.

Many citizens and organisations were concerned about the ramifications of the Accord for our institutions of government and our political system. Senate reform was frequently mentioned. Many Manitobans feared that Senate reform would be blocked by changes contained in the Meech Lake Accord. Most presenters questioned the meaning of the Accord for our federal system of government. Would the Accord decentralize Canada too much? Would it weaken our central government? Would it impede the ability of the central government to take initiatives or to respond to emergencies? Still others wondered if the Accord would divide us as a nation. They expressed concern over the tendency towards fragmentation in Canada and worried that the impact of the Accord would be to accentuate this tendency. Most presenters desired more reflection on the

implications of the amendments for the Canadian political system in general and for Manitoba in particular.

A central concern to presenters was the process of constitutional change. The majority of presenters expressed grave disappointment in the process that produced the Meech Lake Accord. They viewed the Accord as "a pressure cooker" deal agreed to in the wee hours of the morning by eleven First Ministers who were too tired to do otherwise. Again and again, the Task Force heard Manitobans question whether this was the proper way to treat the most important document in our country. The presenters wanted reassurance that constitutional change would not occur in this manner again.

During the hearings, the Task Force was enriched by the experience. As we travelled to the different parts of the province, we heard different perspectives on the Accord. The diversity of opinion and views expressed was enlightening. Each presentation offered new insights. The Task Force could not help but be moved by some presentations. Other presentations drew our attention to serious flaws and oversights in the Accord that we had not fully realised. By the conclusion of the hearings, we felt that we had a true appreciation of how Manitobans viewed the Meech Lake Accord.

The process also taught us how Manitobans feel about their province and nation. As one presenter explained:

> ...Canada has come to stand for something in this world, something simple, yet multifaceted and infinitely worthwhile. It promises justice and freedom and equality and mutual respect, and I am proud to be

> one of those to whom the promise is made as well as one of those charged with fulfilling this promise to other Canadians.
>
> ...We choose to define ourselves as a nation, not in terms of commonality of language as our ancestors did, but because of a common desire to be together, to share at a fundamental level a way of life and a respect for individual differences. We have an opportunity to present to the world a model of tolerance, and a demonstration to all the nations that unity can be formed out of diversity.

Manitobans emphasize respect and tolerance for their fellow citizens. They are proud to be part of a nation that creates unity from diversity. They believe that changes to our country and our constitution must perform the dual task of uniting us as a people while permitting us to grow as individuals. As a Task Force, we listened to their appeal to ensure that the changes proposed by the Meech Lake Accord would achieve both goals.

With the eloquent, passionate and yet reasonable words of Manitobans echoing in our ears, the Task Force began to meet to reflect on what we had heard. Over a four month period, we regularly met and discussed the Meech Lake Accord. We were scrupulous in our efforts to understand and respond to the opinions and views we had heard. We have crafted our consensus with the words of Manitobans still fresh in our minds. We believe that the unanimous recommendations outlined in the following report are an accurate reflection of the advice we received from Manitobans but also are realistic suggestions for the consideration of the other governments of Canada.

THE 1987 CONSTITUTIONAL ACCORD

The 1987 Constitutional Accord is part of a process of constitutional renewal which Canada has been undergoing since the 1960s. In 1982, this process was partially completed with the patriation of the Canadian constitution from Britain and the entrenchment of the Canadian Charter of Rights and Freedoms.

There were two unfinished pieces of business in 1982. Aboriginal rights were to be identified and defined in a further round of constitutional talks. In 1987, within months of the Meech Lake agreement, the round of First Ministers' Conferences on aboriginal rights ended without a constitutional amendment. During the same period, negotiations on making Quebec a full constitutional signatory began. The Meech Lake Accord represents the culmination of those negotiations.

The Accord evolved in three stages. In May 1986, Quebec presented five demands for constitutional change as preconditions for its signature on the Constitution. Later that year, the Prime Minister of Canada and all of the provincial premiers agreed to enter into constitutional discussions in six areas. These were: (1) the linguistic

duality of Canada and the distinct society of Quebec; (2) the provincial role in immigration; (3) the Supreme Court; (4) the federal spending power; (5) the amending formula; and, (6) further rounds of First Ministers' discussions including conferences on the economy and Senate appointments. At Meech Lake in Quebec on 30 April 1987, the First Ministers reached an agreement in principle covering the six areas of discussion. On 2 and 3 June 1987 at the Langevin Block in Ottawa, the First Ministers approved and signed the legal text of the 1987 Constitutional Accord. It was popularized as the Meech Lake Accord or the Meech Lake-Langevin Accord.

The 1987 Constitutional Accord consists of three documents. The political accord is the first. This document states that the First Ministers arrived at the proposed amendments by unanimous agreement. According to this document, the proposed amendments are intended to make Quebec a "full and active" participant in Canada's constitutional evolution, to recognize provincial equality, and to foster greater federal-provincial harmony.

The political accord also contains two commitments. The Prime Minister and the provincial Premiers committed their governments to introducing the resolution authorizing the Meech Lake-Langevin amendments into Parliament and the ten legislatures "as soon as possible". The federal government committed itself to expeditiously concluding an

agreement on immigration with the government of Quebec. The political accord notes that the other provinces are not prevented from concluding similar agreements with the federal government.

Finally, the political accord contains an agreement regarding interim Senate appointments. It states that until the amendments have come into effect, future Senate appointees must be chosen from persons whose names have been submitted by the government of the province to which the vacancy relates. This statement foreshadows the interim Senate appointment system contained in the schedule of amendments.

The second part of the Accord is the formal motion for a resolution to authorize the proposed amendment to the constitution. This document provides the means by which Parliament and the legislatures may ratify the Accord. The motion restates the intent of the amendment as outlined in the political accord. It stipulates that since certain portions of the amendments relate to matters in section 41 of the amending formula, the motion must be passed by Parliament and all ten provincial legislatures before the amendments may be proclaimed by the Governor General.

The amendment is outlined in the third document. This document is a schedule to the resolution. It explains which parts of the **Constitution Act, 1867** and the **Constitution Act, 1982** will be amended by the Meech Lake Accord. There

are seventeen parts to the schedule. Most of these will be discussed in the review of the Manitoba public hearings and the Task Force recommendations below. Each section that follows begins with the present provision in the 1987 Constitutional Accord. This is followed by a brief explanation of the section, a summary of Manitobans' opinions on the section, and finally, the Task Force considerations and recommendations.

THE CANADA CLAUSE

The Meech Lake Accord reads as follows:

1. The Constitution Act, 1867 is amended by adding thereto, immediately after section 1 thereof, the following section:

> "**2.** (1) The Constitution of Canada shall be interpreted in a manner consistent with
>
> (a) the recognition that the existence of French-speaking Canadians, centred in Quebec but also present elsewhere in Canada, and English-speaking Canadians, concentrated outside Quebec but also present in Quebec, constitutes a fundamental characteristic of Canada; and
>
> (b) the recognition that Quebec constitutes within Canada a distinct society.
>
> (2) The role of the Parliament of Canada and the provincial legislatures to preserve the fundamental characteristic of Canada referred to in paragraph (1)(a) is affirmed.
>
> (3) The role of the legislature and Government of Quebec to preserve and promote the distinct identity of Quebec referred to in paragraph (1)(b) is affirmed.
>
> (4) Nothing in this section derogates from the powers, rights or privileges of Parliament or the Government of Canada, or of the legislatures or governments of the provinces, including any powers, rights or privileges relating to language."

This interpretation clause is the first amendment in the schedule. The clause provides that the Constitution will be interpreted in a manner consistent with the

recognition that there are English and French speaking people in Canada and that Quebec forms a distinct society within Canada. The clause affirms the role of Parliament and the provincial legislatures to preserve the linguistic duality of Canada, and it affirms the special role of the legislature and Government of Quebec to preserve and promote the distinct identity of Quebec. The fourth subclause states that existing legislative and executive powers are not impaired by these changes.

This clause, sometimes described as the Quebec clause, generated the most controversy and debate during the public hearings. As in Ontario and New Brunswick, a majority of presenters were deeply concerned about the meaning, implications and potential effects of this clause.

A small minority of individuals and groups approved of the clause in its present form. These presenters argued that clause 1 merely recognized the historical and sociological fact that Canada is a bilingual nation and that Quebec is indeed a distinct society within Canada. They did not believe that this clause threatened rights in Canada or Quebec or created new powers and rights. Many of these presenters endorsed constitutional recognition of Quebec's special role in the Canadian Confederation.

The overwhelming majority of presenters opposed clause 1 in its present form. A minority of these presenters were opposed to an amendment recognising Quebec as a distinct

society and Canada as linguistically dual. The most frequent concern was that the clause was divisive and denied the equality of Canadians. The presenters feared that the distinct society clause gives Quebec a special status not extended to others, while the linguistic duality clause divides Canada into two nations. They were worried about the implications and effects of entrenching such vague and undefined terms.

The majority of critics of the clause recommended that it be amended. Presenters acknowledged the special contribution that Quebec has made to Canada throughout our history as a nation. However, they observed that Canada has been evolving socially, politically, demographically, and constitutionally. They emphasized the unique and lasting contributions that many groups have made to this evolution. They argued very persuasively that these contributions must also be recognised if the Constitution is to reflect the social and historical reality of Canada. They concluded that the list of fundamental characteristics should be expanded to include recognition of aboriginal peoples and our multicultural heritage.

A significant number of aboriginal individuals and organisations made persuasive presentations to the Task Force. The majority of these groups called for the Constitution to recognize the distinct and unique contribution which aboriginal peoples have made to Canada.

They maintained that in its present form, clause 1 perpetuates the view that Canada was founded by two peoples. The clause denies aboriginal peoples their rightful place in the country by neglecting to mention them as the original peoples of Canada.

Groups and individuals of numerous ethnic backgrounds made eloquent presentations on clause 1. They cautioned against singling out one group of people. Most stated that the Quebec clause should be balanced with recognition of the distinct contributions made by other linguistic and cultural communities.

The Task Force was impressed by the thoughtfulness of these submissions. The Task Force shares the widespread public view that the Constitution is first and foremost a fundamental statement about Canada. It is a symbol of our nationality and identity. For this reason, the Task Force recommends transforming clause 1 from the **"Quebec clause"** into the **"Canada clause."**

The first step in transforming the Quebec clause into a Canada clause is to affirm the national identity and character of Canada as a whole. The Task Force believes that the commitment of the provinces and the national government to uphold the national community and to foster a strong national identity must be first and foremost in a constitutional clause which celebrates Canada as a nation. Canada is comprised of many diverse parts but it is more

than those parts. All governments should play a role in ensuring that the whole as well as the parts remains strong and united.

The Task Force also believes that the fundamental characteristics must be expanded and reordered to reflect the evolution of Canadian culture and society. As the original peoples, aboriginal peoples should be recognised and given priority. The linguistic duality of Canada should be second. The existence of Quebec as a distinct society within Canada should be next. The existence of Canada's multicultural heritage rounds out the list. All of these characteristics are of equal importance.

There are a number of advantages to expanding the list of fundamental characteristics in the opinion of the Task Force. First, by being inclusive instead of exclusive, clause 1 becomes a symbol of Canadian unity. Canada's strength and identity as a nation lies in its genius in accommodating and accepting diversity. Second, the new characteristics build upon the vision of Canada embodied in the clause. Third, the proposed recognition of "the existence of aboriginal peoples as a distinct and fundamental part of Canada," gives full recognition to the unique, the historical, and the ongoing contributions of aboriginal peoples to Canada's development as a nation. Finally, the revised clause is consistent with Canadian constitutional development. The **Constitution Act, 1867**

primarily recognised the federal division of powers and the distinctiveness of Quebec. The **Constitution Act, 1982** affirmed the bilingual nature of Canada, but also recognised aboriginal and multicultural rights. A revised clause 1 in the Meech Lake Accord will consolidate these developments.

Changes to the list of Canada's characteristics makes necessary a revision of the wording concerning the role of Parliament and the legislatures. The Task Force recommends affirmation of the traditional role of the Parliament and Government of Canada and the provincial legislatures and governments to uphold these fundamental characteristics of Canada. The Task Force also recommends that the wording in the subclause delineating the role of the legislature and Government of Quebec be made parallel to the new wording in the subclause outlining the role of the Canadian Parliament and the provincial legislatures.

The Task Force recognises that all governments and legislatures in Canada have the same role to "uphold" the identifying characteristics of Canada listed in clause 1. The Quebec government and legislature has the additional role of upholding the distinct identity of Quebec; a role which the Task Force recognises as highly significant. The "distinct identity" of Quebec constitutes recognition that its linguistic, cultural, legal and historical traditions have been different. The use of the single word "uphold" is preferable to the divisive use of "preserve" and "preserve

and promote" in subclauses 2 and 3 of the Meech Lake Accord. This word "uphold," with its strong sense of commitment, can be used to apply to all eleven jurisdictions equally. It does not introduce a distinction into the roles of different governments. Quebec is bound to uphold the other fundamental characteristics of Canada equally with the distinct society of Quebec. More importantly, the role of all other provinces and the federal government is consistent with the role of Quebec. All remain responsible for upholding the characteristics of Canadian society and culture.

The word "uphold" is also preferable because it clearly implies that no new responsibilities or powers are being imposed or conferred upon any of the governments including Quebec. We believe that this change reinforces the equality of the provinces. This clause confirms that the federal and provincial governments will continue to uphold the development of Canadian society as they have done in the past. The Task Force realises that the federal and provincial governments must continue to balance their responsibilities towards all groups in society equally. The Canada clause will encourage Canadians to understand and respect our differences so that we may enrich each other as one nation.

The proposed changes to the Canada clause will clarify the clause. By adding "the governments" to the subclause

affirming the role of Parliament and the provincial legislatures, the Task Force has made subclause 2 more consistent with the role of the Quebec Government and legislature affirmed in subclause 3. This change reinforces the understanding that clause 1 affects all governments and legislatures equally.

Subclause 4 is more logically consistent with the changes recommended here than with the original wording of the clause. This subclause guarantees that the powers of the governments are neither increased nor decreased. The Task Force understands that the section does not confer additional obligations on either level of government, and it does not affect the division of powers between the federal and provincial levels of government. The section merely states the traditional roles of the governments of Canada and outlines the defining features of Canada as a nation.

Therefore, the Task Force recommends that clause 1 of the 1987 Constitutional Accord be ratified only in an amended form. The Task Force recommends that clause 1 of the Constitution Amendment, 1987 be amended as follows:

1. The Constitution Act, 1867 is amended by adding thereto, immediately after section 1 thereof, the following section:

> **"2. (1) The Constitution of Canada shall be interpreted in a manner consistent with the recognition that the following constitute fundamental characteristics of Canada:**
>
> **(a) the existence of Canada as a federal state**

with a distinct national identity;

(b) the existence of the aboriginal peoples as a distinct and fundamental part of Canada;

(c) the existence of French-speaking Canadians, centred in Quebec but also present elsewhere in Canada, and English-speaking Canadians, concentrated outside Quebec but also present in Quebec;

(d) Quebec constitutes within Canada a distinct society; and

(e) the existence of Canada's multicultural heritage comprising many origins, creeds and cultures.

(2) The role of the Parliament and Government of Canada and the provincial legislatures and governments to uphold the fundamental characteristics of Canada referred to in paragraphs (1)(a), (b), (c) and (e) is affirmed.

(3) The role of the legislature and Government of Quebec to uphold the distinct identity of Quebec referred to in paragraph (1)(d) is affirmed.

(4) Nothing in this section derogates from the powers, rights or privileges of Parliament or the Government of Canada, or of the legislatures or governments of the provinces, including any powers, rights or privileges relating to language."

RIGHTS PROTECTION CLAUSE

The Meech Lake Accord reads as follows:

> **16.** Nothing in section 2 of the Constitution Act, 1867 affects section 25 or 27 of the Canadian Charter of Rights and Freedoms, section 35 of the Constitution Act, 1982 or class 24 of section 91 of the Constitution Act, 1867.

Clause 16 of the 1987 Constitutional Accord is commonly known as the non-derogation clause. This clause provides a guarantee to aboriginal peoples that the rights recognised and affirmed in the **Constitution Act, 1867** and the **Constitution Act, 1982** are not adversely affected by the amendments proposed in the 1987 Accord. The clause also protects the 1982 directive that Charter will be interpreted in "a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians." Specifically, the clause was added to ensure that the interpretive clause contained in the Meech Lake Accord did not result in the erosion of aboriginal or multicultural rights. Thus, most presenters who addressed this clause treated it together with clause 1.

A minority of total presenters asserted that the rights and freedoms of Canadians were not affected by the Meech Lake Accord amendments. Five individuals declared that

there was no reason to believe that the rights enshrined in the Charter of Rights and Freedoms in 1982 were threatened. Many of the presenters who spoke in favour of the Meech Lake Accord emphasized that since clause 1 is an interpretive clause, it does not endanger substantive rights already contained in the Constitution. They believed that clause 16 was largely unnecessary, except to offer a visual reassurance to aboriginal and multicultural Canadians that their rights were secure.

The most frequently voiced criticism of clause 16 was that it created a hierarchy of rights. According to this argument, clause 16 protects some rights but not others from the effects of the interpretive clause. This would assign precedence to the rights explicitly mentioned in clause 16.

Women's groups were particularly sensitive to the effects of the Meech Lake Accord on the Charter equality rights. They offered three essential criticisms of the Accord. First, the legal interpretation of clause 16 may compromise sex equality rights. Clause 16 protects aboriginal and multicultural rights. However, rules of legal interpretation suggest "expressio unius est exclusio alterius," express mention of one or two items of a list implies intentional exclusion of the other items. Thus, protection of aboriginal and multicultural rights implies that equality rights are not to be accorded the same protection. Failure to include sex equality rights in

Clause 16 could lead to different levels of scrutiny being applied by the Courts to Charter rights. This could result in two potential situations where women's rights would be adversely affected.

In the first instance, women's organisations stated that equality rights could conflict with the provisions in Clause 1. They argued that when trying to reconcile two legally established rights, the Courts may accord less weight to one. The distinct society provision in particular may tip the balance away from women's rights. To strengthen and add clarity to their arguments, these presenters cited the example of the Caldwell case. According to their interpretation of that case, the Supreme Court of Canada held that Margaret Caldwell, a Catholic High School teacher, had not been discriminated against when she was dismissed for marrying a divorced man. The Court balanced the individual's right to freedom from discrimination in employment with the group's right to freedom to operate in accordance with its beliefs and practices. The Court assigned precedence to the latter right. By analogy, they asserted that the distinct society clause may result in group rights associated with the distinct identity being assigned priority over individual rights. The women's groups cited recent studies of legal interpretation to conclude that this type of interpretation could have more serious consequences for women than for men.

The second instance cited by the women's organisations could result in a more pervasive but more subtle erosion of women's equality rights as a result of the proposed clause 16. Women's rights could be seen as second class rights. Because aboriginal and multicultural rights are explicitly protected and equality rights are not, the Courts could interpret this as direction to apply a higher level of scrutiny to those rights than to the sex equality rights. The women's groups cited the Lavell and Bedard cases as examples of this practice occurring under the Bill of Rights. Provisions in the Indian Act which discriminated against Indian women who married non-Indian men were upheld on the grounds that they applied to all whom they affected equally. Based on examples like this, women's groups expressed concern over the possibility of the courts protecting aboriginal and group rights at the expense of sex equality rights. The hierarchy of rights established by section 16 would encourage this tendency.

The second argument presented by individuals and women's organisations was a sociological argument. The hierarchy of rights inadvertently established by Clause 16 may affect the manner in which the courts, legislatures and society view sex equality rights. One presenter cautioned that "Sex discrimination may thus be seen as a less invidious form of discrimination, and one more easily justified, where a similar denial of rights on the higher

grounds expressly acknowledged in the Accord may not." As the ultimate symbol of our nation's beliefs, the Constitution affects the way Canadians view relationships between individuals, groups, and governments. If it implies or tacitly condones treating sex equality rights less seriously than other rights, then those relationships may be affected. Because it is acknowledged that barriers to sex equality still exist in our society, women's organisations maintained that the implications of the proposed amendments were too profound to be ignored.

The third argument presented by individuals and organisations sympathetic to women's concerns, related to the constitutional process. Repeatedly, presenters referred to the eleven "men" who drafted the Accord. They told the Task Force that the neglect of sex equality rights in the Accord and the "refusal of many First Ministers to treat women's criticisms of the Accord as worthy of a reasoned response signifies, we believe, an absence of a fundamental concern for women's rights." The symbolic effect of the omission of a guarantee for sex equality rights is to assign women to a second class position in Canadian society. Women's groups asked for this unintentional effect to be corrected.

Individuals and women's organisations were almost unanimous in their remedy to these problems. Over and over, presenters told the Task Force members that they should

either recommend clause 16 be deleted or the Accord be amended to guarantee that nothing in it shall be interpreted to abrogate or derogate from the Charter of Rights and Freedoms, and specifically sections 15 and 28. The sex equality rights in these sections that women won in 1982 should be given the same protection as aboriginal and multicultural rights.

Women were joined in their concerns over the effects of Clauses 1 and 16 in the Accord by representatives of civil liberties organisations and of the mentally and physically disabled. These groups argued that it was reasonable to assume that the equality rights in the Charter of Rights and Freedoms are endangered by the proposed amendments. Like women, they feared the effects of creating a hierarchy of rights. These groups believe that "the equality rights of Manitobans with disabilities are too precious to gamble with." Thus, they joined women's groups in the recommendation that clause 16 be deleted or amended to provide that nothing shall abrogate or derogate from the Charter of Rights and Freedoms.

The Task Force was impressed by the briefs and presentations which explored the interaction and implications of Clause 1 and 16. Over one half of the presenters expressed concern for the effects of the proposed amendments on Charter Rights, particularly sex equality rights. The Task Force found the presentations on this

issue clear, precise, well-researched, and above all, persuasive. The cohesiveness and degree of consensus among the women's presentations were truly impressive.

The Task Force listened attentively to the doubts and uncertainties expressed about the implications of these clauses for the rights and freedoms enjoyed by all Canadians. By the conclusion of the hearings, the Task Force was persuaded that these presenters have cause to believe that basic rights and freedoms could be adversely affected by the Accord in its present form. Therefore, the Task Force recommends that the Legislature not ratify the Accord until all Charter rights are provided with the same degree of protection as aboriginal and multicultural rights.

Running through the presentations was the theme that the rights and freedoms enshrined in the Charter are a symbol of national unity. They bind together Canadians regardless of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability. The presentations made it clear that Canadians cherish their rights and freedoms and will not tolerate any real or perceived threats to those rights. They will not condone amendments which threaten to divide Canadian society. The Task Force believes that it would be wrong to agree to an amendment which is believed to undermine those rights and to divide Canadians. To do so would be to achieve greater

harmony and cooperation between the Government of Canada and the governments of the provinces at the expense of harmony and cooperation among the people of Canada.

The Task Force recommends transforming the non-derogation clause into a rights protection clause. The entire Charter of Rights and Freedoms should be included to provide equal protection to those rights and freedoms enjoyed by Canadians. This solution responds directly to the fears and worries expressed by the greatest number of presenters in Manitoba. It is the solution that Manitobans requested. The Task Force believes that when considering an issue as important as the basic rights and freedoms enjoyed by all Canadians, it is better to err on the side of too much protection. The wishes of Canadians as expressed by Manitobans during the hearings should be respected.

Therefore, the Task Force recommends that the 1987 Constitutional Accord be ratified only in an amended form. The Task Force recommends that Clause 16 be amended as follows:

16. Nothing in section 2 of the Constitution Act, 1867 affects the Canadian Charter of Rights and Freedoms, section 35 of the Constitution Act, 1982 or class 24 of section 91 of the Constitution Act, 1867.

SENATE

The Meech Lake Accord reads as follows:

1987 CONSTITUTIONAL ACCORD
[The Political Accord]

...**NOW THEREFORE** the Prime Minister of Canada and the first ministers of the provinces commit themselves and the governments they represent to the following:

...

4. Until the proposed amendment relating to appointments to the Senate comes into force, any person summoned to fill a vacancy in the Senate shall be chosen from among persons whose names have been submitted by the government of the province to which the vacancy relates and must be acceptable to the Queen's Privy Council for Canada.

CONSTITUTION AMENDMENT, 1987
[The Schedule of Proposed Amendments]

2. The said Act is further amended by adding thereto, immediately after section 24 thereof, the following section:

"25. (1) Where a vacancy occurs in the Senate, the government of the province to which the vacancy relates may, in relation to that vacancy, submit to the Queen's Privy Council for Canada the names of persons who may be summoned to the Senate.

(2) Until an amendment to the Constitution of Canada is made in relation to the Senate pursuant to section 41 of the Constitution Act, 1982, the person summoned to fill a

> vacancy in the Senate shall be chosen from among persons whose names have been submitted under subsection (1) by the government of the province to which the vacancy relates and must be acceptable to the Queen's Privy Council for Canada."

Clause 2 of the 1987 Constitutional Accord proposes changes to the Senate appointment procedure. Under section 24 of the **Constitution Act, 1867** the power to summon qualified persons to the Senate rests with the Governor General. By convention, the Governor General acts only upon the advice of the Prime Minister. Section 22 stipulates that of the 104 Senators, 24 must come from both Ontario and Quebec, 10 from both Nova Scotia and New Brunswick, 4 from Prince Edward Island, 24 from the four western provinces (6 from each), 6 from Newfoundland, and 1 from both the Yukon Territory and the Northwest Territories. Under the new section 25, when a vacancy occurs in the Senate, Senators will be chosen from a list of names submitted by the government of the province affected by the vacancy. The person must be acceptable to the Queen's Privy Council, or in practice, to the Government of Canada. The political accord states that the First Ministers have agreed to abide by this procedure until the proposed Meech Lake amendments come into force.

The Senate is mentioned in several places in the Meech Lake Accord. This section will begin with a discussion of the Meech Lake Accord provisions concerning nominations to

the Senate. The second part of this section will deal with the topic of Senate Reform.

The Task Force makes some important amendments with regards to the Senate in the section on the amending formula below. Specifically, the Task Force recommends that matters relating to the powers of the Senate, selection of Senators, residence qualifications of Senators, and provincial representation in the Senate be removed from section 41 which requires unanimous consent of the federal and provincial governments of Canada for a constitutional amendment. They should be restored to section 42, thus providing for amendment by the 7/50% rule. The arguments are presented in detail in the amending formula chapter below.

Nominations to the Senate

Many individuals were interested in the impact of these changes on Senate reform. A small number argued that the new appointments procedure represented a positive step on the road to reform. Most of the presenters who spoke on this topic maintained that the new procedure would impede Senate reform. The provinces, particularly Quebec and Ontario which have the greatest number of Senators, would have a vested interest in refusing Senate reform if they felt that they could use their appointments to influence

federal policies in their favour. The western provinces, which are underrepresented in the present allocation of Senators, would be stymied in their efforts for a more equitable distribution of Senators. Also, the prospects of provincial patronage would act as an additional incentive to maintain the status quo. Thus, they concluded that a Senate under the Meech Lake Accord would be worse than the status quo because it would discourage reform.

A small percentage of presenters favoured the proposed appointment process because it was consistent with the original purpose of the Senate. Originally the Senate was intended to provide a basis for regional interests to be represented within the national institutions of government, and to serve as a check on the excesses of the House of Commons. These presenters maintained that provincial participation in the appointment process would strengthen the federal character of the House. Provincial nominees would be better able and more inclined to act in their province's interests. Further, provincial participation would result in greater ideological diversity and thus enhance the ability of the Senate to act as a house of sober, second thought.

The majority of individuals who mentioned the Senate in their presentations, rejected this view. They conceded that it was conceivable that the changes could strengthen the ability of the Senate to represent regional interests and

act as a more effective check on the House of Commons. However, they argued that this enhanced role for the Senate could result in legislative paralysis. A provincialist and obstructionist Senate could prevent the federal government from functioning effectively and efficiently. This would be particularly dangerous given that Senate reform would be more difficult to achieve. They agreed with the other presenters mentioned above that the provinces would have a vested interest in maintaining the status quo.

Another argument against the new nominations process concerned the federal balance of powers. Many presentations centred on the theme that the cumulative effect of the changes proposed in the Meech Lake Accord would be to tilt the balance of powers in the federal system towards the provinces and seriously weaken the central government. Obliging the federal government to accept provincial lists of nominees represents this devolution in power from the federal government to the provincial governments. The changes would undermine the national government's control of its own institutions.

The Task Force acknowledges the concerns of Manitobans regarding the Senate nominations procedure. The Task Force notes that the proposed appointments process may only transfer the exercise of patronage to the province. It does not address this longstanding criticism of the Senate. The appointments process does not correct the regional imbalance

in Senate representation. Indeed, it provides an added incentive to the larger provinces to maintain the imbalance. Further, the clause neglects to include the Yukon and Northwest Territories in the nomination process. This is a serious omission.

The Task Force decided against recommending changes to the Senate nominations procedure in the Meech Lake Accord. While the Task Force is fully cognizant of the potential implications of these changes, it views the appointment procedure as an interim procedure only. It is not recommending change on the understanding that Senate reform is and will remain a first priority on the constitutional agenda. Only if Senate reform proceeds will public demands be met. However, the Task Force wishes to stress that the members would not be averse to the removal of the interim Senate appointment provisions from the Accord. If retained, the Yukon and Northwest Territories, like the provinces, must have the right to submit names in relation to vacancies in their seats in the Senate.

Senate Reform

Many presenters were concerned about the prospects for Senate Reform. They criticised the provisions in Meech Lake which would require the unanimous consent of the federal and provincial governments for constitutional amendments

relating to the Senate. The Task Force addresses these concerns in the chapter on the amending formula.

When discussing amendment of the nominations procedure, many presenters referred to the provision in Clause 13 for future constitutional conferences on Senate reform. A large number of presenters advocated securing Senate reform prior to or at the same time as ratification of the Meech Lake Accord. However, most presenters were more concerned about the type of Senate reform than about its timing.

Manitobans place great hope in the prospects of Senate reform. While a minority of presenters suggested abolition, a substantial number advocated reforming the Senate. Underlying these presentations was the theme that Senate reform should both strengthen the national Parliament and make it truly responsive to all regions of Canada. To achieve these goals, a reconstituted Senate must have certain features.

Manitobans called for an elected Senate. They argued that shifting the power of nominating Senators to the provinces does not answer Manitobans' concerns. The argument against the exercise of power by an appointed Senate will still hold. To regain legitimacy, the Senate should be an elected body. While some presenters assumed that Senators would be elected under a single member plurality system, others suggested that a system of proportional representation should be considered.

Manitobans favour an equal Senate. Some argued for a Senate with equal representation from each of the regions of Canada. They believed that this type of Senate would be able to discuss regional problems with independence and authority. Other presenters endorsed provincial equality instead of regional equality, with continued provision for territorial seats.

Manitobans called for a more productive and useful Senate. However, views varied as to how the Senate could be made an effective but not obstructionist body. When questioned, presenters tended to decline the opportunity to define the powers that the reformed Senate should possess. A number suggested that experts should be consulted in this matter. What concerned Manitobans most, was ensuring that the Senate have sufficient powers to provide them with a voice that would be heard at the national level without paralyzing the national institutions of government.

The Task Force listened with particular interest to the presentations on Senate reform because of the importance which Manitoba like the other western provinces assigns to this issue. The Task Force agrees with the public that it would be premature and presumptuous to outline the specifics of Senate reform at this juncture. There has not been adequate discussion and public input into the issue. Still, following the public hearings, we believe that future constitutional discussions on Senate reform should include

the following items:

-the selection process for Senators, including election of Senators
-the means of making the Senate more responsive to regional needs, including equal provincial representation in the Senate
-the powers of the Senate, including assigning the Senate an absolute veto on constitutional amendments but a 180 day veto on other pieces of legislation, and powers to consent on certain federal appointments
-the role of the Senate within Parliament, including its traditional investigatory functions
-the location of the Senate, including the prospects of locating it in one of less populous regions of Canada
-possible abolition if reform proves impossible

There will be annual constitutional talks on Senate reform. The Task Force believes that it would be advisable for the government of Manitoba to establish a Manitoba committee forthwith to investigate the possible types of Senate reform. This committee would provide for further research and public input into Manitoba's position on Senate reform. The committee report would form the basis of Manitoba's position in the constitutional talks on the Senate.

The Task Force emphasizes the urgency of meaningful Senate reform. While we are in agreement with the presenters who noted that Senate reform is not the panacea for all western ills, we believe that it is a prerequisite for making the smaller provinces more effective and equal partners in Confederation. The Meech Lake Accord promises greater harmony and cooperation between governments. Senate reform is an essential component in the realisation of that

objective. Senate reform must be achieved in the immediate future.

Therefore, the Task Force recommends the immediate creation of a Manitoba committee to study the question of Senate reform. The Task Force recommends that Senate reform be given top priority in future constitutional discussions. The Task Force recommends additional research into the following areas in preparation for the Constitutional Conferences on this issue; means of selecting Senators, methods of representation, number of Senators, powers, functions, relationship with the House of Commons, location, and possible abolition if reform proves impossible. The Task Force recommends that future constitutional discussions on Senate reform encompass these issues.

IMMIGRATION

The Meech Lake Accord reads as follows:

1987 CONSTITUTIONAL ACCORD
[The Political Accord]

2. The Government of Canada will, as soon as possible, conclude an agreement with the Government of Quebec that would

> (a) incorporate the principles of the Cullen-Couture agreement on the selection abroad and in Canada of independent immigrants, visitors for medical treatment, students and temporary workers, and on the selection of refugees abroad and economic criteria for family reunification and assisted relatives,
>
> (b) guarantee that Quebec will receive a number of immigrants, including refugees, within the annual total established by the federal government for all of Canada proportionate to its share of the population of Canada, with the right to exceed that figure by five per cent for demographic reasons, and
>
> (c) provide an undertaking by Canada to withdraw services (except citizenship services) for the reception and integration (including linguistic and cultural) of all foreign nationals wishing to settle in Quebec where services are to be provided by Quebec, with such withdrawal to be accompanied by reasonable compensation,

and the Government of Canada and the Government of Quebec will take the necessary steps to give the agreement the force of law under the proposed amendment relating to such agreements.

3. Nothing in this Accord should be construed as preventing the negotiation of similar agreements with other provinces relating to immigration and the temporary admission of aliens.

CONSTITUTION AMENDMENT, 1987
[The Schedule of Amendments]

3. The said Act is further amended by adding thereto, immediately after section 95 thereof, the following heading and sections:

"Agreements on Immigration and Aliens

95A. The Government of Canada shall, at the request of the government of any province, negotiate with the government of that province for the purpose of concluding an agreement relating to immigration or the temporary admission of aliens into that province that is appropriate to the needs and circumstances of that province.

95B. (1) Any agreement concluded between Canada and a province in relation to immigration or the temporary admission of aliens into that province has the force of law from the time it is declared to do so in accordance with subsection 95C(1) and shall from that time have effect notwithstanding class 25 of section 91 or section 95.

(2) An agreement that has the force of law under subsection (1) shall have effect only so long and so far as it is not repugnant to any provision of an Act of the Parliament of Canada that sets national standards and objectives relating to immigration or aliens, including any provision that establishes general classes of immigrants or relates to levels of immigration for Canada or that prescribes classes of individuals who are inadmissible into Canada.

(3) The Canadian Charter of Rights and Freedoms applies in respect of any agreement that has the force of law under subsection

(1) and in respect of anything done by the Parliament or Government of Canada, or the legislature or government of a province, pursuant to any such agreement.

95C. (1) A declaration that an agreement referred to in subsection 95B(1) has the force of law may be made by proclamation issued by the Governor General under the Great Seal of Canada only where so authorized by resolutions of the Senate and House of Commons and of the legislative assembly of the province that is a party to the agreement.

(2) An amendment to an agreement referred to in subsection 95B(1) may be made by proclamation issued by the Governor General under the Great Seal of Canada only where so authorized

(a) by resolutions of the Senate and House of Commons and of the legislative assembly of the province that is a party to the agreement; or

(b) in such other manner as is set out in the agreement.

95D. Sections 46 to 48 of the Constitution Act, 1982 apply, with such modifications as the circumstances require, in respect of any declaration made pursuant to subsection 95C(1), any amendment to an agreement made pursuant to subsection 95C(2) or any amendment made pursuant to section 95E.

95E. An amendment to sections 95A to 95D or this section may be made in accordance with the procedure set out in subsection 38(1) of the Constitution Act, 1982, but only if the amendment is authorized by resolutions of the legislative assemblies of all the provinces that are, at the time of the amendment, parties to an agreement that has the force of law under subsection 95B(1)."

Clause 3 of the 1987 Constitutional Accord details an extensive amendment to section 95 of the Constitution concerning immigration agreements. The existing section 95

of the **Constitution Act, 1867** confers on the federal Parliament and provincial legislature concurrent powers over immigration. The federal government retains paramountcy. Under section 91(25) of the **Constitution Act, 1867**, the federal Parliament has jurisdiction over naturalization and aliens. Clause 3 is a commitment on behalf of the federal government to enter into negotiations with requesting provinces for the purposes of concluding an agreement on immigration. These agreements would have constitutional status. However, the agreements would be subject to the federal Parliament's power to set national standards and objectives on immigration. Further, the Charter of Rights and Freedoms applies to the agreements and acts performed pursuant to them.

The political accord commits the federal government to entering into an agreement with the government of Quebec regarding immigration into that province. It will incorporate the principles of the existing federal-Quebec Cullen-Couture immigration agreement. According to the political accord, Quebec would receive a proportionate share of the annual national quota of immigrants plus an additional 5 per cent. The federal government will transfer control over some immigration services to the Quebec government with reasonable compensation. Other provinces may enter into similar agreements.

A small proportion of Manitobans mentioned the

immigration provisions in the Meech Lake Accord. Some presenters expressed confusion over the meaning and implications of these provisions. Others viewed this as part of the erosion of federal powers contained in the Accord and feared that the agreements would result in the provinces acquiring too much control over immigration. Others took issue with the political accord. They argued that allowing Quebec an extra five percent of the annual total of immigrants would permit it to attempt to maintain its share of the population at the expense of the other regions. Smaller regions may be condemned to their present population share or less to meet this quota. A few of the presenters toyed with the suggestion that all provinces could negotiate for an additional five per cent of the quota. They noted that creative mathematics would be needed to arrive at the right total.

The Task Force shares the concerns of these Manitobans. As the Meech Lake Accord is written, the immigration amendments could weaken the federal government and the sense of national community in Canada. We are concerned that the provinces may attempt to expand their activities abroad to attract more immigrants. This could be especially evident in Quebec's case as part of its role to uphold a distinct society. We are also troubled by the prospects of each province assuming control over the services for the reception and integration of immigrants. Immigrants' first

contact with the government of the new country is important in determining their perceptions, loyalties and actions. A diminished federal government role in the selection and reception of immigrants could result in new immigrants feeling stronger attachments to their provinces rather than to the nation as a whole.

The Task Force agrees with the reservations Manitobans expressed concerning the provisions in the political accord. The Task Force considered recommending deletion of the guarantee that Quebec will receive a number of immigrants "proportionate to its share of the population of Canada, with the right to exceed that figure by five per cent for demographic reasons." We are also concerned about the implications for Canada's population should Quebec fail to attract its share of immigrants. The national immigration quotas should not be contingent upon the ability of one province to attract newcomers.

The Task Force decided not to recommend changes to the immigration provisions in the Meech Lake Accord. The affirmation of the role of the provinces and the federal government to uphold Canada as a federal state with a distinct national identity contained in the revised Canada clause, balances the threat to national unity posed by the immigration provisions in the Meech Lake Accord as it is presently drafted. Read together, the revised Canada clause and the immigration provisions maintain the present balance

of powers in this area of jurisdiction.

The Task Force still has some misgivings about the immigration provisions. Thus, we strongly suggest that every five years the First Ministers review the provisions, agreements, and the allocation of proportions of immigrants in light of the changing demographics of the nation.

The Task Force believes that the concerns it shares with Manitobans were adequately dealt with in an opinion provided to the Task Force on 22 June 1989 by the federal government regarding the immigration provisions in the political accord. According to the opinion:

> The "guarantee" referred to is contained in the political accord and not in the amendment resolution. It is designed to serve as one of the principles to be given effect in an immigration agreement to be negotiated and eventually entrenched in the Constitution. In this context, it is not viewed by the federal government or the government of Quebec as a strict legal guarantee, but rather a "best efforts" undertaking only. Since the federal government maintains the responsibility for determining the overall level of immigration, it would maintain the flexibility to redistribute immigration quotas should the Quebec shortfall scenario occur.

Therefore, the Task Force is of the impression that the figure for Quebec's share of immigrants cited in the political accord is a target figure only and not a strict legal guarantee. The Task Force understands that the federal power to reallocate immigration quotas is not impaired by the agreement. The Task Force has decided against recommending changes to the current provisions upon the understanding that this view of the provisions in the

political accord is shared by the federal and Quebec governments.

The continuing application of the Charter of Rights and Freedoms to the immigration agreements and to the acts done in compliance with the agreements is important. The Task Force shared Manitobans' views that it is important that immigrants are free to choose their place of residence even if the federal government has guaranteed a province a certain target number or percentage of immigrants. However, this guarantee of mobility rights may not benefit some new Canadians. Poorer Canadians may not have the resources to take advantage of their mobility rights given that there is a strong correlation between income level and mobility.

Therefore, the Task Force recommends that the federal government continue to play a leading role in the immigration process. Furthermore, the Meech Lake Accord provisions on immigration and agreements pursuant thereto should be reviewed at least every five years with a view to their possible amendment or revocation. This recommendation does not involve a formal amendment to the Meech Lake Accord provisions on immigration.

SUPREME COURT

The Meech Lake Accord reads as follows:

4. The said Act is further amended by adding thereto, immediately preceding section 96 thereof, the following heading:

"General"

5. The said Act is further amended by adding thereto, immediately preceding section 101 thereof, the following heading:

"Courts Established by the Parliament of Canada"

6. The said Act is further amended by adding thereto, immediately after section 101 thereof, the following heading and sections:

"Supreme Court of Canada

101A. (1) The court existing under the name of the Supreme Court of Canada is hereby continued as the general court of appeal for Canada, and as an additional court for the better administration of the laws of Canada, and shall continue to be a superior court of record.

(2) The Supreme Court of Canada shall consist of a chief justice to be called the Chief Justice of Canada and eight other judges, who shall be appointed by the Governor General in Council by letters patent under the Great Seal.

101B. (1) Any person may be appointed a judge of the Supreme Court of Canada who, after having been admitted to the bar of any province or territory, has, for a total of at least ten years, been a judge of any court in

Canada or a member of the bar of any province or territory.

(2) At least three judges of the Supreme Court of Canada shall be appointed from among persons who, after having been admitted to the bar of Quebec, have, for a total of at least ten years, been judges of any court of Quebec or of any court established by the Parliament of Canada, or members of the bar of Quebec.

101C. (1) Where a vacancy occurs in the Supreme Court of Canada, the government of each province may, in relation to that vacancy, submit to the Minister of Justice of Canada the names of any of the persons who have been admitted to the bar of that province and are qualified under section 101B for appointment to that court.

(2) Where an appointment is made to the Supreme Court of Canada, the Governor General in Council shall, except where the Chief Justice is appointed from among members of the Court, appoint a person whose name has been submitted under subsection (1) and who is acceptable to the Queen's Privy Council for Canada.

(3) Where an appointment is made in accordance with subsection (2) of any of the three judges necessary to meet the requirement set out in subsection 101B(2), the Governor General in Council shall appoint a person whose name has been submitted by the Government of Quebec.

(4) Where an appointment is made in accordance with subsection (2) otherwise than as required under subsection (3), the Governor General in Council shall appoint a person whose name has been submitted by the government of a province other than Quebec.

101D. Sections 99 and 100 apply in respect of the judges of the Supreme Court of Canada.

101E. (1) Sections 101A to 101D shall not be construed as abrogating or derogating from the powers of the Parliament of Canada to make laws under section 101 except to the

extent that such laws are inconsistent with those sections.

(2) For greater certainty, section 101A shall not be construed as abrogating or derogating from the powers of the Parliament of Canada to make laws relating to the reference of questions of law or fact, or any other matters, to the Supreme Court of Canada."

Clauses 4, 5 and 6 propose amendments to the judicature section of the **Constitution Act, 1867**. The first two clauses add new subheadings to divide sections dealing with general matters, Courts established by Parliament and the Supreme Court of Canada. The third clause proposes substantive changes.

Clause 6 proposes amendments concerning the Supreme Court of Canada. The amendments entrench the Supreme Court as the final court of appeal, specify that there will be a Chief Justice and eight other judges with at least three from Quebec, state the qualifications of the judges, and outline a new appointment procedure. The amendments also contain assurances that provisions in the Constitution pertaining to judges' tenure and salaries apply, the powers of Parliament are only affected to the extent that it is necessary to make these sections operative, and the power of Parliament to ask the Court for reference opinions is not abridged.

The appointments procedure attracted the most attention from the presenters who chose to address the Supreme Court provisions. A minority of presenters favoured provincial

involvement in the selection of Supreme Court judges on the grounds that it would strengthen the federal character of the national Court. Many of these presenters argued that merit, not politics would continue to be the deciding factor in the selection of names by the provinces to present to the federal government. Public scrutiny would continue to be an effective check on the appointments.

The majority of presenters who addressed this issue expressed some doubts about the new appointment process. Some presenters viewed the requirement imposed on the federal government to choose judges from provincial lists of names as another example of the devolution of power from the federal government to the provinces. Some presenters advanced the prospect of provinces nominating provincial rights activists or separatists. Others looked at the implications of Quebec's primary role in the selection of three judges to the Supreme Court for francophone Canadians residing outside Quebec. They stressed the importance of ensuring that the Court continue to be representative of the interests of Canada's francophone minorities.

An important concern of presenters with clause 6 was that there is no provision in the event of deadlock between the federal government and the provinces over the nominees. This is significant in the case of Quebec where the federal government must choose from a list submitted by that province. Disagreement could leave Supreme Court positions

unfilled. Presenters questioned the wisdom of this prospect.

The Task Force thinks these concerns deserve serious consideration. Although the Task Force is not suggesting changes to clause 6 at this time, it recommends that the appointment process be reconsidered by the First Ministers.

The Task Force believes that the First Ministers should consider changing section 101C of clause 6 to prevent deadlock from occurring. The Task Force proposes four alternatives for consideration. First, the roles of the governments could be reversed. The federal government could provide the names of possible Supreme Court nominees to the provinces. The provinces would be obligated to choose one of the persons from that list. Second, a deadlock breaking mechanism could be added to clause 6. The detailed formula to break deadlocks on Supreme Court appointments proposed in the Victoria Charter (1971) is a viable alternative. In the case of deadlock, the appointment would be referred to nominating councils. Third, the possible alternative of provincial advisory nominating councils should be investigated. Fourth, the Task Force believes that a potential option for a reformed Senate could be a role in consenting to Supreme Court nominations. The Task Force emphasizes this last alternative because we believe that it blends the benefits of executive and federal government leadership with public scrutiny. It would ensure that the

appointments are representative of provincial and social interests. This alternative could be combined with any of the above three suggestions.

Presenters pointed out one oversight in the appointment provisions for Supreme Court judges. They noted the absence of a provision for the Northwest Territories and the Yukon Territory to nominate judges to the Supreme Court of Canada. They argued that since Supreme Court decisions affect all Canadians, every province and territory of Canada should have the opportunity to nominate judges to the court.

The Task Force concurs in this view. We believe that the sections on Supreme Court appointments should be amended to allow the territories the opportunity to nominate Supreme Court judges. This can be accomplished by simply adding the words "or territory" to subsection 101(C)(1) and 101(C)(4). In our opinion, the amendment is a minor revision to the Meech Lake Accord but one which is significant for northern Canadians. It ensures the representative nature of the highest appeal tribunal in the country.

Therefore, the Task Force recommends that clause 6 of the 1987 Constitutional Accord be ratified only in an amended form. The Task Force recommends that Clause 6 of the Meech Lake Accord be changed as follows:

> **101C. (1) Where a vacancy occurs in the Supreme Court of Canada, the government of each province or territory may, in relation to that vacancy, submit to the Minister of Justice of Canada the names of any of the persons who have been admitted to the bar of that province or territory and are qualified**

under section 101B for appointment to that court.

(2) Where an appointment is made to the Supreme Court of Canada, the Governor General in Council shall, except where the Chief Justice is appointed from among members of the Court, appoint a person whose name has been submitted under subsection (1) and who is acceptable to the Queen's Privy Council for Canada.

(3) Where an appointment is made in accordance with subsection (2) of any of the three judges necessary to meet the requirement set out in subsection 101B(2), the Governor General in Council shall appoint a person whose name has been submitted by the Government of Quebec.

(4) Where an appointment is made in accordance with subsection (2) otherwise than as required under subsection (3), the Governor General in Council shall appoint a person whose name has been submitted by the government of a province or territory other than Quebec.

101D. Sections 99 and 100 apply in respect of the judges of the Supreme Court of Canada.

101E. (1) Sections 101A to 101D shall not be construed as abrogating or derogating from the powers of the Parliament of Canada to make laws under section 101 except to the extent that such laws are inconsistent with those sections.

(2) For greater certainty, section 101A shall not be construed as abrogating or derogating from the powers of the Parliament of Canada to make laws relating to the reference of questions of law or fact, or any other matters, to the Supreme Court of Canada."

The Task Force further recommends that the First Ministers review the appointment process at a future constitutional conference with attention to the concerns raised by Manitobans.

SPENDING POWER

The Meech Lake Accord reads as follows:

7. The said Act is further amended by adding thereto, immediately after section 106 thereof, the following section:

> **"106A.** (1) The Government of Canada shall provide reasonable compensation to the government of a province that chooses not to participate in a national shared-cost program that is established by the Government of Canada after the coming into force of this section in an area of exclusive provincial jurisdiction, if the province carries on a program or initiative that is compatible with the national objectives.
>
> (2) Nothing in this section extends the legislative powers of the Parliament of Canada or of the legislatures of the provinces."

Clause 7 provides that the federal government will compensate provincial governments that opt not to participate in shared cost programs within their jurisdiction. To be eligible for compensation, the province must establish a program or initiative which is compatible with the national objectives. The clause guarantees that it does not affect existing federal and provincial legislative powers.

This was one of the most often criticised clauses during the hearings. A small minority of presenters

defended the clause on the grounds that it would allow the provincial governments more latitude to develop programs according to the needs of their citizens. The majority rejected this argument. The primary concern was that the clause threatened possible future, national programs, such as child care, and weakened the ability of the central government to provide for the health and welfare of all Canadian citizens. Presenters argued that compensation would encourage provinces to opt-out of national programs. Provincial control of programs would increase regional disparities in social services. Some argued that the effects of the clause would be to discourage the federal government from establishing new, national programs. They warned that this could have serious consequences for the citizens of smaller, less affluent provinces like Manitoba.

Some of the presenters suggested deleting the clause and returning to the status quo. Many of the presenters proposed amending the clause by defining or changing words and phrases such as "reasonable compensation," "compatible," "national objectives," and "national programs." Finally, a number of presenters recommended amending the clause to make it very clear that the federal government determines whether compensation will be paid, the amount it will pay, and what the national objectives will be.

The Task Force carefully considered the views expressed by all presenters. After extensive consideration of this

issue, the Task Force agreed that the best solution would be to recommend deletion of the clause.

Historically, Manitoba has played a significant role in encouraging the development of national programs which benefit all Canadians equally. The Task Force cannot endorse an amendment to the constitution which is so controversial and which many presenters believe might undermine our sense of national community by limiting the ability of the federal government to respond to the universal needs of Canadians. The current situation with respect to the federal spending powers comes closer to achieving the balance between national leadership and provincial flexibility which is essential to the successful operation of social programs.

Therefore, the Task Force recommends that section 7 be deleted from the Constitution Amendment, 1987.

AMENDING FORMULA

The Meech Lake Accord reads as follows:

9. Sections 40 to 42 of the Constitution Act, 1982 are repealed and the following substituted therefor:

> **"40.** Where an amendment is made under subsection 38(1) that transfers legislative powers from provincial legislatures to Parliament, Canada shall provide reasonable compensation to any province to which the amendment does not apply.
>
> **41.** An amendment to the Constitution of Canada in relation to the following matters may be made by proclamation issued by the Governor General under the Great Seal of Canada only where authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province:
>
> (a) the office of the Queen, the Governor General and the Lieutenant Governor of a province;
>
> (b) the powers of the Senate and method of selecting Senators;
>
> (c) the number of members by which a province is entitled to be represented in the Senate and the residence qualifications of Senators;
>
> (d) the right of a province to a number of members in the House of Commons not less than the number of Senators by which the province was entitled to be represented on April 17, 1982;
>
> (e) the principle of proportionate representation of the provinces in the House of Commons prescribed by the

Constitution of Canada;

(f) subject to section 43, the use of the English or the French language;

(g) the Supreme Court of Canada;

(h) the extension of existing provinces into the territories;

(i) notwithstanding any other law or practice, the establishment of new provinces; and

(j) an amendment to this Part."

10. Section 44 of the said Act is repealed and the following substituted therefor:

"**44.** Subject to section 41, Parliament may exclusively make laws amending the Constitution of Canada in relation to the executive government of Canada or the Senate and House of Commons."

11. Subsection 46(1) of the said Act is repealed and the following substituted therefor:

"**46.** (1) The procedures for amendment under sections 38, 41 and 43 may be initiated either by the Senate or the House of Commons or by the legislative assembly of a province."

12. Subsection 47(1) of the said Act is repealed and the following substituted therefor:

"**47.** (1) An amendment to the Constitution of Canada made by proclamation under section 38, 41 or 43 may be made without a resolution of the Senate authorizing the issue of the proclamation if, within one hundred and eighty days after the adoption by the House of Commons of a resolution authorizing its issue, the Senate has not adopted such a resolution and if, at any time after the expiration of that period, the House of Commons again adopts the resolution."

Clause 9 proposes two changes to the amending formula entrenched in the Constitution in 1982. The general

amending formula, outlined in section 38 of the **Constitution Act, 1982**, is not affected by these changes. For most matters, amendments will continue to require approval by Parliament and two-thirds of the provinces that have, in the aggregate, fifty per cent of the population. The Senate only has a veto for 180 days after which the amendment may be proclaimed as long as the House of Commons has adopted the resolution a second time.

The amended section 40 would require the federal government to provide reasonable compensation to provinces which opt out of amendments transferring provincial power to the federal government. Under the original section 40, the federal government only had to provide compensation if the transfers related to "education or other cultural matters."

The Meech Lake amendments would also combine sections 41 and 42 of the **Constitution Act, 1982**. The original section 42 applied the general amending formula (7/50%) to changes relating to proportionate representation in the House of Commons, the powers of the Senate and selection and qualifications of Senators, provincial representation in the Senate, the Supreme Court, the extension of provincial boundaries, and the creation of new provinces. The section 42 formula is distinguished from the general formula by removing the option to dissent on amendments to these issues from the provincial legislatures. The Meech Lake Accord adds these subjects listed in the original section 42 to the

list of matters in section 41 requiring unanimous consent of Parliament and the provincial legislatures to be changed. Clauses 10, 11, and 12 make technical changes corresponding to the deletion of section 42.

This was the second most contentious provision in the Meech Lake Accord. Presenters were not bothered by the change to section 40. Attention focussed on the proposed section 41. Close to 90% of presenters criticised this clause.

Repeatedly the Task Force heard presenters state that expansion of the unanimity requirement for constitutional amendment was wrong. Unanimity would freeze and stultify what was supposed to be a living, evolving document. Specifically, presenters impressed upon the Task Force that the requirement of unanimity for amendments to the Senate would prevent Senate reform. The majority of the presenters viewed this clause as a betrayal of western interests. Similarly, presenters were very critical of the unanimity formula being applied to the creation of new provinces and to the extension of provincial boundaries. Like presenters in Ontario and New Brunswick, Manitoban presenters maintained that this change showed a blatant disregard for citizens of the Yukon Territory and the Northwest Territories. It imposed upon them a requirement for coming into Confederation that no other province has faced. In sum, presenters said that the changes to the amending

formula denied the aspirations of westerners and northerners. The Task Force can only agree with the majority of presenters. Canada is a nation from sea to sea to sea. The aspirations of all Canadians must be given consideration when making changes to the Constitution.

The Task Force accepts the solution proposed by the majority of presenters and recommends that the provisions on the Senate, the creation of new provinces, and the extension of provincial boundaries be amendable by the 7 province with 50% of the population rule as it now appears in section 42.

The Task Force weighed the arguments on unanimity very carefully. Requiring consensus for constitutional amendments may provoke usefully longer periods of deliberation. A requirement of unanimous consent of the governments to change the Constitution is consistent with the equality of the provinces. In the case of a matter as important as Senate reform, it prevents a decision by seven or eight of the other provinces from being foisted upon one, two or three dissenting provinces. We are also fully cognizant of the fact that the addition of new provinces to Confederation will affect every province. Thus, it is logical for the provinces to desire a voice in the creation of new provinces or even boundary changes. However, the Task Force was not convinced that the advantages of unanimous consent to constitutional change outweighed the disadvantages. We were inclined to accept the argument that

the unanimity requirement would obstruct not improve constitutional reconstruction in these areas.

As previously stated in chapter 5, the Task Force is firmly committed to securing Senate reform. The wishes of the Manitoba population are that Senate reform be achieved as expeditiously as possible. The Task Force believes that unanimous consent by eleven governments could form a significant impediment to the realization of this desire. As the Meech Lake experience has revealed, unanimity is a tricky feat when there are eleven governments facing elections at eleven different times with eleven different ideological configurations in their legislative bodies. Therefore, the Task Force wishes to see matters relating to powers of the Senate, selection of Senators, residence qualifications of Senators, and provincial representation in the Senate restored to section 42, thus providing amendment by the 7/50% rule.

Therefore, the Task Force recommends that the 1987 Constitutional Accord be ratified only in an amended form. Clause 9 of the Constitution Amendment, 1987 should be amended as follows:

9. Sections 40 to 42 of the Constitution Act, 1982 are repealed and the following substituted therefor:

> **"40. Where an amendment is made under subsection 38(1) that transfers legislative powers from provincial legislatures to Parliament, Canada shall**

provide reasonable compensation to any province to which the amendment does not apply.

41. An amendment to the Constitution of Canada in relation to the following matters may be made by proclamation issued by the Governor General under the Great Seal of Canada only where authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province:

(a) the office of the Queen, the Governor General and the Lieutenant Governor of a province;

(b) the right of a province to a number of members in the House of Commons not less than the number of Senators by which the province was entitled to be represented on April 17, 1982;

(c) the principle of proportionate representation of the provinces in the House of Commons prescribed by the Constitution of Canada;

(d) subject to section 43, the use of English or the French language;

(e) the Supreme Court of Canada;

(f) an amendment to this Part."

42. (1) An amendment to the Constitution of Canada in relation to the following matters may be made only in accordance with subsection 38(1):

(a) the powers of the Senate and the method of selecting Senators;

(b) the number of members by which a province is entitled to be represented in the Senate and the residence qualifications of Senators;

(c) the extension of existing provinces into the territories; and

(d) notwithstanding any other law or practice, the establishment of new

provinces.

(2) Subsections 38(2) to (4) do not apply in respect of amendments in relation to matters referred to in subsection (1).

The Task Force suggests that the corresponding Clauses 10, 11, and 12 should be deleted from the Constitution Amendment, 1987.

In accordance with the Task Force recommendations on the Amending Formula, subsection (2) of section 25 should read:

(2) Until an amendment to the Constitution of Canada is made in relation to the Senate pursuant to section 42 of the Constitution Act, 1982, the person summoned to fill a vacancy in the Senate shall be chosen from among persons whose names have been submitted under subsection (1) by the government of the province to which the vacancy relates and must be acceptable to the Queen's Privy Council for Canada."

CONSTITUTIONAL CONFERENCES

The Meech Lake Accord reads as follows:

13. Part VI of the said Act is repealed and the following substituted therefor:

"Part VI

Constitutional Conferences

50. (1) A constitutional conference composed of the Prime Minister of Canada and the first ministers of the provinces shall be convened by the Prime Minister of Canada at least once each year, commencing in 1988.

(2) The conferences convened under subsection (1) shall have included on their agenda the following matters:

(a) Senate reform, including the role and functions of the Senate, its powers, the method of selecting Senators and representation in the Senate;

(b) roles and responsibilities in relation to fisheries; and

(c) such other matters as are agreed upon."

Clause 13 of the Constitution Amendment, 1987 proposes entrenching annual First Ministers' constitutional conferences beginning in 1988. The clause requires the conferences' agenda to include Senate reform, fisheries and "other matters as are agreed upon." Clause 13 is parallel to clause 8 of the Meech Lake Accord which entrenches annual First Ministers' conferences on the economy.

This clause was praised by a small number of presenters. They argued that annual First Ministers' conferences would foster federal-provincial harmony and provide the occasion for strong federal direction. Annual conferences would facilitate long-term planning for the country.

The majority of presenters who addressed this issue criticised the concept of compulsory annual First Ministers' conferences. One argument was that the clause would reinforce the tendency towards executive federalism. Key decisions would be made by eleven First Ministers in a closed process and subject to only limited scrutiny by the legislative bodies in the country. The ceaseless round of annual conferences might only stimulate provincial demands for power at the expense of the federal government. In sum, they argued that annual conferences would accentuate the worst features in our political system.

Others argued that the clause contained some significant omissions. Presenters argued that aboriginal matters must be included on the agenda to settle the outstanding issue of aboriginal rights and aboriginal people should attend these conferences. Similarly, presenters regretted the omission of an invitation to the government leaders of the Yukon Territory and the Northwest Territories to constitutional conferences.

The Task Force has decided not to recommend deletion of

the requirement for annual conferences because it will serve as an avenue to Senate reform. It also accommodates the interests of the Atlantic provinces which are often neglected. However, we urge the First Ministers to revoke annual constitutional conferences once the listed issues have been resolved.

The Task Force cannot agree to the clause in its entirety without recommending some revisions. First, Manitoba has a long history of defending the interests of aboriginal Canadians. We believe that it is a grievous error that the Constitutional conference agenda does not include aboriginal issues. Constitutional conferences held between 1982 and 1987 did not identify and define aboriginal rights as expected. Thus, aboriginal matters should remain a constitutional priority with First Ministers until aboriginal rights are identified and defined. Representatives of aboriginal organisations should be invited to participate in all constitutional discussions of matters which directly affect them.

Manitoba has traditionally been the keystone province in Confederation. We bridge the eastern and western provinces as well as the northern and southern regions of Canada. Therefore, we cannot overlook the omission of a clause providing for the territorial governments to be represented at conferences where issues affecting them directly are discussed. The Yukon Territory and Northwest

Territories are an integral part of the country. Canada can only benefit by having representation from all corners of the country at these First Ministers' conferences.

The Task Force recommends that the 1987 Constitutional Accord be ratified only in an amended form. The Task Force recommends that clause 13 be amended as follows:

13. Part VI of the said Act is repealed and the following substituted therefor:

"Part VI

Constitutional Conferences

50. (1) A constitutional conference composed of the Prime Minister of Canada and the first ministers of the provinces shall be convened by the Prime Minister of Canada at least once each year, commencing in the year this Amendment is proclaimed.

(2) The conferences convened under subsection (1) shall have included on their agenda the following matters:

(a) Senate Reform, including the role and functions of the Senate, its powers, the method of selecting Senators and representation in the Senate;

(b) roles and responsibilities in relation to fisheries;

(c) constitutional matters that directly affect the aboriginal peoples of Canada, including the identification and definition of the rights of those people to be included in the Constitution of Canada; and

(d) such other matters as are agreed upon.

(3) The Prime Minister of Canada shall invite representatives of the aboriginal peoples of Canada to participate in the discussions of the matters set out in the

agenda pursuant to paragraph (c) of subsection (2).

(4) The Prime Minister of Canada shall invite elected representatives of the governments of the Yukon Territory and the Northwest Territories to participate in the discussions on any item on the agenda of a conference convened under subsection (1) that, in the opinion of the Prime Minister, directly affects the Yukon Territory and the Northwest Territories.

The Task Force recommends that the First Ministers revoke annual Constitutional Conferences once the items in subsection (2) have been resolved.

THE CONSTITUTIONAL PROCESS

One of the most remarkable features of the presentations was the substantial number which criticised the process of constitutional reform. Manitobans spoke very ardently and critically of the process which resulted in the 1987 Constitutional Accord. Very few could commend it as an effective means of arriving at constitutional change. Many condemned it as secretive, elitist, exclusive, hasty, unrepresentative, and undemocratic. Many questioned the ability of eleven men to make decisions of lasting and monumental importance with only limited access to constitutional advisers. Others found what might be perceived to be pressure bargaining tactics an unsatisfactory way of handling amendments to the most important document in our country.

One problem identified with the Meech Lake Accord process was the manner in which it was treated following the meeting at the Langevin Block. Initially, the impression was that the First Ministers could consult the public about the content of the Accord. However, as the debate in the country over the Meech Lake Accord developed, attitudes towards introducing changes to the text of the Accord

hardened. It has been said now that not one comma may be changed despite the public debate. Many presenters stated that the public should not be presented with a fait accompli by the First Ministers with no means to alter parts which they feel are not advisable. The public should have an opportunity for meaningful input into constitutional change.

The Task Force was impressed by the force and rigour of the comments on the Meech Lake process. We were struck by the impression that the presenters felt a sense of being cheated, misled, and betrayed. After listening to the presenters decry the process, the Task Force realised the extent to which the process used at Meech Lake and Langevin undercut the legitimacy of the Accord. Had the process been more representative, more open, more deliberate, and more democratic, presenters might have been more receptive to the final document. It was clear that many presenters were suspicious of a document that had been crafted in such a manner.

The process of constitutional reform is as strong a statement on the nature of a country as the constitution itself. Both reveal the fundamental characteristics of the state and its people. Canada is a representative democracy. As a nation we pride ourselves on our ability to blend strong leadership with public input. The Task Force strongly believes that the process of constitutional change must reflect these hallmarks of our nation. Only then will

the constitutional process be able to satisfy public concerns.

Therefore, the Task Force recommends that public hearings be held at the federal and provincial levels of government after the First Ministers develop a proposal for constitutional change and prior to the signing of the proposed constitutional change. The Task Force further recommends that if a province chooses not to hold public hearings, then the federal government should hold hearings within that province to give the public the opportunity to participate in constitutional reform.

A SUMMARY OF RECOMMENDATIONS

The Task Force is unable to recommend ratification of the 1987 Constitutional Accord in its present form. The Task Force therefore unanimously recommends that the Legislative Assembly take the appropriate action on the following six amendments to the Meech Lake Accord and on the following three recommendations which do not involve amendment.

RECOMMENDATIONS FOR AMENDMENT

1. Canada Clause

The Task Force recommends that clause 1 of the 1987 Constitutional Accord be ratified only in an amended form. The Task Force recommends that clause 1 of the Constitution Amendment, 1987 be amended as follows:

> **1.** The Constitution Act, 1867 is amended by adding thereto, immediately after section 1 thereof, the following section:
>
> > **"2. (1) The Constitution of Canada shall be interpreted in a manner consistent with the recognition that the following constitute fundamental characteristics of Canada:**
> >
> > **(a) the existence of Canada as a federal state with a distinct national identity;**
> >
> > **(b) the existence of the aboriginal peoples as a distinct and fundamental part of Canada;**

(c) the existence of French-speaking Canadians, centred in Quebec but also present elsewhere in Canada, and English-speaking Canadians, concentrated outside Quebec but also present in Quebec;

(d) Quebec constitutes within Canada a distinct society; and

(e) the existence of Canada's multicultural heritage comprising many origins, creeds and cultures.

(2) The role of the Parliament **and Government** of Canada and the provincial legislatures **and governments to uphold** the fundamental characteristics of Canada referred to in paragraphs (1)(a), (b), (c) and (e) is affirmed.

(3) The role of the legislature and Government of Quebec **to uphold** the distinct identity of Quebec referred to in paragraph (1)(d) is affirmed.

(4) Nothing in this section derogates from the powers, rights or privileges of Parliament or the Government of Canada, or of the legislatures or governments of the provinces, including any powers, rights or privileges relating to language."

2. Rights Protection Clause

The Task Force recommends that clause 16 of the 1987 Constitutional Accord be ratified only in an amended form. The Task Force recommends that Clause 16 be amended as follows:

16. Nothing in section 2 of the Constitution Act, 1867 affects the **Canadian Charter of Rights and Freedoms**, section 35 of the Constitution Act, 1982 or class 24 of section 91 of the Constitution Act, 1867.

3. Supreme Court

The Task Force recommends that clause 6 of the 1987 Constitutional Accord be ratified only in an amended form.

The Task Force recommends that Clause 6 of the Meech Lake Accord be changed as follows:

101C. (1) Where a vacancy occurs in the Supreme Court of Canada, the government of each province **or territory** may, in relation to that vacancy, submit to the Minister of Justice of Canada the names of any of the persons who have been admitted to the bar of that province or territory and are qualified under section 101B for appointment to that court.

(2) Where an appointment is made to the Supreme Court of Canada, the Governor General in Council shall, except where the Chief Justice is appointed from among members of the Court, appoint a person whose name has been submitted under subsection (1) and who is acceptable to the Queen's Privy Council for Canada.

(3) Where an appointment is made in accordance with subsection (2) of any of the three judges necessary to meet the requirement set out in subsection 101B(2), the Governor General in Council shall appoint a person whose name has been submitted by the Government of Quebec.

(4) Where an appointment is made in accordance with subsection (2) otherwise than as required under subsection (3), the Governor General in Council shall appoint a person whose name has been submitted by the government of a province **or territory** other than Quebec.

101D. Sections 99 and 100 apply in respect of the judges of the Supreme Court of Canada.

101E. (1) Sections 101A to 101D shall not be construed as abrogating or derogating from the powers of the Parliament of Canada to make laws under section 101 except to the extent that such laws are inconsistent with those sections.

(2) For greater certainty, section 101A shall not be construed as abrogating or derogating from the powers of the Parliament of Canada to make laws relating to the

reference of questions of law or fact, or any other matters, to the Supreme Court of Canada."

The Task Force further recommends that the First Ministers review the appointment process at a future constitutional conference with attention to the concerns raised by Manitobans.

4. Spending Power

The Task Force recommends that the 1987 Constitutional Accord be ratified only in an amended form. The Task Force recommends that section 7 be **deleted** from the Meech Lake Accord.

5. Amending Formula

The Task Force recommends that Clause 9 of the 1987 Constitutional Accord be ratified only in an amended form. The Task Force recommends that Clause 9 of the Meech Lake Accord be changed as follows:

9. Sections 40 to 42 of the Constitution Act, 1982 are repealed and the following substituted therefor:

"**40.** Where an amendment is made under subsection 38(1) that transfers legislative powers from provincial legislatures to Parliament, Canada shall provide reasonable compensation to any province to which the amendment does not apply.

41. An amendment to the Constitution of Canada in relation to the following matters may be made by proclamation issued by the Governor General under the Great Seal of Canada only where authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province:

(a) the office of the Queen, the Governor General and the Lieutenant Governor of a province;

(b) the right of a province to a number

of members in the House of Commons not less than the number of Senators by which the province was entitled to be represented on April 17, 1982;

(c) the principle of proportionate representation of the provinces in the House of Commons prescribed by the Constitution of Canada;

(d) subject to section 43, the use of the English or the French language;

(e) the Supreme Court of Canada;

(f) an amendment to this Part."

42. (1) An amendment to the Constitution of Canada in relation to the following matters may be made only in accordance with subsection 38(1):

(a) the powers of the Senate and the method of selecting Senators;

(b) the number of members by which a province is entitled to be represented in the Senate and the residence qualifications of Senators;

(c) the extension of existing provinces into the territories; and

(d) notwithstanding any other law or practice, the establishment of new provinces.

(2) Subsections 38(2) to (4) do not apply in respect of amendments in relation to matters referred to in subsection (1).

The Task Force suggests that the corresponding Clauses 10, 11, and 12 should be deleted from the Constitution Amendment, 1987.

In accordance with the Task Force recommendations on the Amending Formula, subsection (2) of section 25 should read:

(2) Until an amendment to the Constitution of Canada is made in relation to the Senate pursuant to section **42** of the Constitution Act, 1982, the person summoned to fill a

vacancy in the Senate shall be chosen from among persons whose names have been submitted under subsection (1) by the government of the province to which the vacancy relates and must be acceptable to the Queen's Privy Council for Canada."

6. Constitutional Conferences

The Task Force recommends that clause 13 of the 1987 Constitutional Accord be ratified only in an amended form. The Task Force recommends that clause 13 be amended as follows:

13. Part VI of the said Act is repealed and the following substituted therefor:

"Part VI

Constitutional Conferences

50. (1) A constitutional conference composed of the Prime Minister of Canada and the first ministers of the provinces shall be convened by the Prime Minister of Canada at least once each year, commencing in the year this Amendment is proclaimed.

(2) The conferences convened under subsection (1) shall have included on their agenda the following matters:

(a) Senate reform, including the role and functions of the Senate, its powers, the method of selecting Senators and representation in the Senate;

(b) roles and responsibilities in relation to fisheries;

(c) constitutional matters that directly affect the aboriginal peoples of Canada, including the identification and definition of the rights of those people to be included in the Constitution of Canada; and

(d) such other matters as are agreed upon.

(3) The Prime Minister of Canada shall

invite representatives of the aboriginal peoples of Canada to participate in the discussions of the matters set out in the agenda pursuant to paragraph (c) of subsection (2).

(4) The Prime Minister of Canada shall invite elected representatives of the governments of the Yukon Territory and the Northwest Territories to participate in the discussions on any item on the agenda of a conference convened under subsection (1) that, in the opinion of the Prime Minister, directly affects the Yukon Territory and the Northwest Territories.

The Task Force recommends that the First Ministers revoke annual Constitutional Conferences once the items in subsection (2) have been resolved.

FURTHER RECOMMENDATIONS

1. Senate

The Task Force recommends the immediate creation of a Manitoba committee to study the question of Senate reform. The Task Force recommends that Senate reform be given top priority in future constitutional discussions. The Task Force recommends additional research into the following areas in preparation for the Constitutional Conferences on this issue; means of selecting Senators, methods of representation, number of Senators, powers, functions, relationship with the House of Commons, location, and possible abolition if reform proves impossible. The Task Force recommends that future constitutional discussions on Senate reform encompass these issues.

2. Immigration

The Task Force recommends that the federal government continue to play a leading role in the immigration process. Furthermore, the Meech Lake Accord provisions on immigration and agreements pursuant thereto should be reviewed at least

every five years with a view to their possible amendment or revocation. This recommendation does not involve a formal amendment to the Meech Lake Accord provisions on immigration.

3. The Constitutional Process

The Task Force recommends that public hearings be held at the federal and provincial levels of government after the first ministers develop a proposal for constitutional change and prior to the signing of the proposed constitutional change. The Task Force further recommends that if a province chooses not to hold public hearings, then the federal government should hold hearings within that province to give the public the opportunity to participate in constitutional reform.

CONCLUSION

The Task Force offers these amendments and recommendations to the Government of Manitoba. We ask the Premier to present them to the First Ministers of Canada for their careful consideration at their earliest possible convenience. We urge the First Ministers to observe the close parallel between the dissatisfaction with the Meech Lake Accord expressed in Manitoba and the discontent reflected in the hearings held in the other provinces. The public hearings conducted by the Manitoba Constitutional Task Force on Meech Lake, like the hearings conducted in the other provinces, clearly provide the First Ministers with the mandate to reconsider the amendments proposed in the Meech Lake Accord and the process whereby Constitutional reform is achieved.

These recommendations are made with the unanimous support of the Task Force members. We believe that they constitute an accurate reflection of public opinion in the province of Manitoba. Through these changes, the Meech Lake Accord can become a constructive constitutional amendment. Instead of dividing us, an amended Meech Lake Accord will draw Canadians closer together.

The Task Force regards the amendments as reasonable ones to offer for the consideration of the other governments of Canada. In our deliberations on changes to the Meech Lake Accord, we attempted to balance our responsibility to Manitobans with our obligations to the rest of Canada. We applaud the intention of the Accord to make Quebec a full constitutional signatory. We realise and have tried to be sensitive to the importance of the Meech Lake Accord to the citizens and government of Quebec, and the citizens and governments of all of Canada.

In sum, we believe that the changes recommended here strengthen and build upon the best features of the Meech Lake Accord. We offer these recommendations and amendments to the citizens of Manitoba and to the governments and citizens of the rest of Canada with respect and goodwill.

APPENDIX A

The following is a list of presenters, in alphabetic order, who appeared before the Task Force during the public hearings. The asterisk (*) beside a presenter's name indicates people who did not submit written briefs with their oral presentations. Issue number refers to the official transcripts (1 - 12).

NAME	ISSUE	DATE
Shelley Adey, Private Citizen	9	89-04-27
Robert Ages Manitoba Coalition Against Free Trade	9	89-04-27
Tena Alguire, Private Citizen	8	89-04-26
Alice Allen, Private Citizen	8	89-04-26
Syd Allen, Private Citizen	4	89-04-18
Mary Annis, Private Citizen	6	89-04-24
Alex Anstruther, Private Citizen	10	89-04-28
Roger Armbruster, Private Citizen	2	89-04-11
Irene Armishaw, Private Citizen	7	89-04-25
Myrtle Armstrong, Private Citizen*	6	89-04-24
Conrad Artibise, Private Citizen	8	89-04-26
I.H. (Izzy) Asper, Private Citizen	9	89-04-27
Professor Donald A. Bailey, Private Citizen	9	89-04-27
Vaughan L. Baird, Private Citizen	9	89-04-27
Doug Baker, Private Citizen	6	89-04-24
K.F. Baker, Private Citizen	6	89-04-24
Linda Baker, Private Citizen	6	89-04-24
Bernice Baldwin, Private Citizen	12	89-05-02

NAME	ISSUE	DATE
Alyson Barnett-Cowan, Private Citizen*	4	89-04-18
Leona Barrett, First Vice-President Manitoba Organization of Nurses' Association (MONA)	11	89-04-29
Holly Beard, Private Citizen*	5	89-04-19
Victor Beaudry, Private Citizen	11	89-04-29
Lilly Becker Immigrant Women's Association of Manitoba, Thompson Chapter	5	89-04-19
Albert Bedbrook, Private Citizen	11	89-04-29
Geoffrey G. Bell, Private Citizen	10	89-04-28
Mary Jane Bennett* Elizabeth Fry Society of Manitoba	11	89-04-29
Alfred Berard, Private Citizen	12	89-05-02
Eric Bertram, Private Citizen	12	89-05-02
Ruth Bilowus, Private Citizen	7	89-04-25
David Bjornson* Member of Parliament for Selkirk	5	89-04-19
Jeri Bjornson Ad Hoc Committee of Women's Equality Seeking Groups on the Meech Lake Accord	1	89-04-06
John P. Bodnar Moose Lake Indian Band and Moose Lake Council	4	89-04-18
Barbara Boes, Private Citizen	10	89-04-28
Stanley Born, Private Citizen	6	89-04-24
David Bowman, Private Citizen*	1	89-04-06
Gary T. Brazzell, Q.C., Private Citizen*	10	89-04-28
Kris Breckman, Board Liaison Social Responsibility Committee, Unitarian Church of Winnipeg	10	89-04-28

NAME	ISSUE	DATE
Gordon Brennand Rural Municipality of Wallace	6	89-04-24
Harold W. Brown, Private Citizen	9	89-04-27
Mona Brown, Co-Chairperson Manitoba Association of Women and the Law	2	89-04-11
Pat Bruderer, A/President Manitoba Metis Women's Alliance	4	89-04-18
Caroline Bruyere Indigenous Women's Collective of Manitoba Inc.	10	89-04-28
Christine Burton, Assistant Exec. Director Manitoba Child Care Association	9	89-04-27
Joan Butcher Provincial Council of Women of Manitoba	10	89-04-28
Anita Cameron Winnipeg Council of Treaty and Status Indians	12	89-05-02
Fred R. Cameron, Leader Western Independence Party of Manitoba	9	89-04-27
Douglas Campbell, Private Citizen	9	89-04-27
John Campbell, Private Citizen	11	89-04-29
Lorne Campbell Winnipeg Chamber of Commerce	1	89-04-06
Larry Catagas West Region Tribal Council	8	89-04-26
Charles L. Chappell, Private Citizen*	11	89-04-29
Richard Chartier, Private Citizen	9	89-04-27
Vera Chernecki, President Manitoba Organization of Nurses' Association (MONA)	11	89-04-29
Chris Christensen, Private Citizen*	12	89-05-02

NAME	ISSUE	DATE
Helen G. Christoffersen Status of Women Equality in Education	9	89-04-27
Lee Clark* Member of Parliament for Brandon-Souris	6	89-04-24
Loretta Clarke Thompson Chamber of Commerce	5	89-04-19
Denis Clement La Société Franco-Manitobaine	10	89-04-28
Ron W. Coley, Private Citizen	9	89-04-27
Art Corman, Private Citizen*	4	89-04-18
Nellieane Cromarty, Private Citizen	3	89-04-14
Jonathan Crowe, Private Citizen	9	89-04-27
Gary Cummings, Private Citizen	11	89-04-29
Kim Currie Kenton-Hamiota Women's Study Group	7	89-04-25
Shirwyn Dalgliesh, Private Citizen	12	89-05-02
Ernest Daniels Dakota Ojibway Tribal Council	7	89-04-25
William Davison, Private Citizen	7	89-04-25
Donald Dean, Private Citizen	12	89-05-02
George Debarr, Private Citizen*	4	89-04-18
Fred P. Debrecen Vive Quebec Libre	11	89-04-29
Michael Decter, Private Citizen*	10	89-04-28
Sandra De Laronde, Provincial Secretary Manitoba Metis Women's Alliance	4	89-04-18
Vital Delasoie, Private Citizen	9	89-04-27
Terri E. Deller, Private Citizen	7	89-04-25

NAME	ISSUE	DATE
Doreen Demas, Chairperson Manitoba League of the Physically Handicapped Inc./Coalition of Provincial Organizations of the Handicapped	12	89-05-02
Kady Denton, Private Citizen	6	89-04-24
Susan Derk, Executive Director Manitoba Association of Registered Nurses	9	89-04-27
Zofia de Witt, President Canadian Polish Congress, Manitoba Division	10	89-04-28
Mohinder Singh Dhillon The India Association of Winnipeg Inc.	9	89-04-27
Randy Diduch, Private Citizen	10	89-04-28
Hari Dimitrakopoulou-Ashton, Private Citizen*	5	89-04-19
Dorothy Dobbie Member of Parliament for Winnipeg South	10	89-04-28
Sheila Doig, Private Citizen	6	89-04-24
Ken Douglas, Private Citizen	10	89-04-28
Dr. F.P. Doyle, Private Citizen	9	89-04-27
Bill Draper, General Manager Winnipeg Chamber of Commerce	1	89-04-06
Jonas Dubas, Private Citizen	9	89-04-27
Marc Ducharme, Private Citizen	11	89-04-29
Theresa Ducharme, Chairman People in Equal Participation Inc.	10	89-04-28
Leo Duguay, Private Citizen	1	89-04-06
Yvon Dumont Manitoba Metis Federation	4	89-04-18
Gordon Duncan, Private Citizen	2	89-04-11
Mark Edmondson, Private Citizen*	2	89-04-11

NAME	ISSUE	DATE
Reeve Richard Edmundson Rural Municipality of Shoal Lake	7	89-04-25
Kenneth C. Emberley, Private Citizen	10	89-04-28
Abe H. Enns, Private Citizen*	2	89-04-11
The Honourable Jake Epp Minister of Energy, Mines and Resources Canada	1	89-04-06
Dennis A. Epps, Private Citizen	12	89-05-02
Lou Erickson Thompson Action Committee on the Status of Women	5	89-04-19
Don Esler Christian Heritage Party of Canada, Lisgar-Marquette Riding Association	6	89-04-24
Jean Estabrook Brandon YWCA	7	89-04-25
Donna Everitt, Private Citizen	6	89-04-24
Jack J. Eyer Canadian Alliance in Solidarity with Native Peoples, Manitoba Region	10	89-04-28
Richard Falk, Private Citizen*	11	89-04-29
John B. Feldsted, Private Citizen	10	89-04-28
Stanley Fox, Private Citizen	12	89-05-02
Robert Freedman, Executive Director Winnipeg Jewish Community Council Canadian Jewish Congress, Manitoba Region	10	89-04-28
Michael Freid, Executive Director League for Human Rights, Mid-West Region Manitoba	1	89-04-06
Carolyn Garlich Manitoba Women's Agenda	11	89-04-29
Duncan E. Geisler, Private Citizen	12	89-05-02

NAME	ISSUE	DATE
Dr. Theresa George Immigrant Women's Association of Manitoba Inc.	12	89-05-02
Vern Gilbertson, President Brandon Chamber of Commerce	6	89-04-24
Frank Goldspink, Provincial Leader Manitoba Communist Party	10	89-04-28
Tom Goodman, Private Citizen	9	89-04-27
Ellen Gould Kenton-Hamiota Women's Study Group	7	89-04-25
Mary Grainger, Private Citizen	2	89-04-11
Salvatore Gramaglia, Private Citizen	11	89-04-29
Scott Gray, Private Citizen*	4	89-04-18
John Green, Private Citizen	6	89-04-24
Sidney Green* Manitoba Progressive Party	2	89-04-11
Doris Greenshields Brandon Women's Liberal Commission	7	89-04-25
Geraldine Guilfoyle Kenton-Hamiota Women's Study Group	7	89-04-25
Trudi Gunia, Private Citizen	8	89-04-26
Don Halechko, Council Member Manitoba League of the Physically Handicapped Inc./Coalition of Provincial Organizations of the Handicapped	12	89-05-02
David Hall, Private Citizen	9	89-04-27
Professor Ken Hanly, Private Citizen	7	89-04-25
Abram A. Harder, Private Citizen	6	89-04-24
Edgar Hardy, Councillor Rural Municipality of Sifton	6	89-04-24

NAME	ISSUE	DATE
Brian Harper Red Sucker Lake Youth	3	89-04-14
Chief Isaiah Harper Garden Hill Band	3	89-04-14
Joyce Harrison Parkland Status of Women	8	89-04-26
Susan Hart Manitoba Federation of Labour	9	89-04-27
Professeur Raymond Hébert, Private Citizen	10	89-04-28
Dennis Heeney, Leader Confederation of Regions Manitoba Party	6	89-04-24
George Henderson, Private Citizen*	2	89-04-11
Paul Henderson, Private Citizen*	12	89-05-02
David Hickling, Private Citizen	10	89-04-28
Brian Hildebrandt, Private Citizen	6	89-04-24
Michael Hill, President Winnipeg Chamber of Commerce	1	89-04-06
Shari Hirst, Private Citizen	7	89-04-25
Glennis Hodgson Kenton-Hamiota Women's Study Group	7	89-04-25
Joan Hodgson Project Opikihiwawin	12	89-05-02
Felix Holtmann Member of Parliament for Portage-Interlake	4	89-04-18
Russ Hood, Private Citizen	11	89-04-29
Allan Hopkins, Private Citizen*	2	89-04-11
J.A. (Sandy) Hopkins, Private Citizen	10	89-04-28
Wilf Hudson Manitoba Federation of Labour	9	89-04-27
E.M. Hutton, Private Citizen	6	89-04-24

NAME	ISSUE	DATE
Paula Isaak, Private Citizen	11	89-04-29
Grace Ivey Manitoba Advisory Council on the Status of Women	9	89-04-27
Jim Iwasiw, Private Citizen	11	89-04-29
Dr. Mary-Jane Jamieson, Private Citizen*	11	89-04-29
Virginia Jamieson, Private Citizen*	8	89-04-26
Willem P. Janssen, Private Citizen	9	89-04-27
Jake Janzen, Private Citizen	1	89-04-06
Chief Damon Johnson Indian Council of First Nations of Manitoba Inc.	11	89-04-29
Eunadie Johnson, Private Citizen	5	89-04-19
Diane Johnston, Private Citizen*	2	89-04-11
J. Una Johnstone, Private Citizen	10	89-04-28
Hakam Singh Joll Sikh Society of Manitoba	11	89-04-29
Arlette Jumelle, Private Citizen	12	89-05-02
Janis Kaminsky, Private Citizen	11	89-04-29
Evelyn Katz, President Winnipeg Jewish Community Council Canadian Jewish Congress, Manitoba Region	10	89-04-28
Isla Kennedy, Private Citizen	6	89-04-24
Morley Kennedy, Private Citizen	6	89-04-24
Lloyd Kirkham Reform Party of Canada, Manitoba Section	10	89-04-28
Chief Andrew Kirkness Indian Council of First Nations of Manitoba Inc.	11	89-04-29
Steve Klippenstein, Private Citizen*	10	89-04-28

NAME	ISSUE	DATE
June Komadowski, Private Citizen*	1	89-04-06
Gordon J. Kooper, Private Citizen	12	89-05-02
Reeve William Kozyra, Private Citizen	11	89-04-29
Rosaline Krahn, Private Citizen	12	89-05-02
John Lamont, Private Citizen	11	89-04-29
Chief Oscar Lathlin Swampy Creek Tribal Council	4	89-04-18
Brenda Leipsic, Private Citizen	10	89-04-28
Dr. H.C. Lim Ad Hoc Committee of Chinese Manitobans on the Meech Lake Accord	10	89-04-28
Joe Lockhart, Private Citizen*	10	89-04-28
Israel Ludwig Canadian Ethnocultural Council	10	89-04-28
Roy Lyall, Private Citizen	2	89-04-11
Elizabeth MacEwan, Chairperson Public Policy Committee University Women's Club of Winnipeg	10	89-04-28
Doug MacIsaac* Town of Russell	8	89-04-26
B.E. MacKenzie, Private Citizen	9	89-04-27
Al Mackling, Private Citizen	9	89-04-27
Joan MacLeod Women in Thought Group	1	89-04-06
Ian MacPherson, Private Citizen	1	89-04-06
Paula Mallea Westman Coalition on Equality Rights in the 1987 Meech Lake Accord	7	89-04-25
Duane P. Martin, Private Citizen	9	89-04-27
George A. Martin, Private Citizen	6	89-04-24

NAME	ISSUE	DATE
Ross C. Martin, President Brandon and District Labour Council	6	89-04-24
David Matas League for Human Rights of B'Nai B'Rith Canada	1	89-04-06
Bob Mayer, Private Citizen*	5	89-04-19
The Honourable Charles Mayer* Member of Parliament for Portage-Marquette	2	89-04-11
Mayor Robert H. McCleverty Northern Association of Community Councils	5	89-04-19
Christopher McCormick, National Spokesperson Native Council of Canada Indian Council of First Nations of Manitoba Inc.	11	89-04-29
Eldon McDonald, Private Citizen	6	89-04-24
Hilda McDonald, Private Citizen	6	89-04-24
Patrick McDonnell Manitoba Intercultural Council	9	89-04-27
Stewart McDougall St. Theresa Point Youth Council	3	89-04-14
Eileen McFadden, Private Citizen	6	89-04-24
J.D. McKeand, Private Citizen	6	89-04-24
Chief Roy McKinney Dakota Ojibway Tribal Council	7	89-04-25
Alice McLaren, President Manitoba Women's Institute	11	89-04-29
Stewart E. McLean, Private Citizen	8	89-04-26
Hamish McSteeofain, Private Citizen*	9	89-04-27
Tayeb Meridji, Private Citizen	12	89-05-02
Ivan Merritt, Private Citizen	12	89-05-02
Audrey Meyers, Private Citizen	2	89-04-11

NAME	ISSUE	DATE
Chief Philip Michel, Chairman Manitoba Keewatinowi Okimakanak Inc.	3 5	89-04-14 89-04-19
Art Miki Canadian Ethnocultural Council	10	89-04-28
Bev Millan Manitoba Action Committee on the Status of Women - Winnipeg Branch	9	89-04-27
Mark E. Miller, Private Citizen*	12	89-05-02
Professor Allen Mills, Private Citizen	10	89-04-28
Annie M. Mills, Private Citizen	9	89-04-27
John Mitchell Rural Municipality of Rossburn and Village of Rossburn	7	89-04-25
Robert E. Moffat, Private Citizen	12	89-05-02
Roni Monias Garden Hill Youth Council	3	89-04-14
A. Monk, Council Member Manitoba League of the Physically Handicapped Inc./Coalition of Provincial Organizations of the Handicapped	12	89-05-02
Anthony Moreau, Private Citizen	9	89-04-27
Dorothy Muller YM-YWCA of Winnipeg	1	89-04-06
Gary Nestibo, Private Citizen	6	89-04-24
C. Patrick Newbound, Private Citizen	11	89-04-29
David Newman Manitoba Chamber of Commerce	9	89-04-27
Michael Nickerson, Private Citizen	12	89-05-02
Alison Norberg Charter of Rights Coalition (Manitoba)	10	89-04-28
Senator Nathan Nurgitz, Private Citizen	10	89-04-28

NAME	ISSUE	DATE
Clarice Oldcorn, Private Citizen	2	89-04-11
Peter Olfert, President Manitoba Government Employees' Association	10	89-04-28
Alan Osler, Private Citizen	9	89-04-27
Shirley Jo Paine, President Manitoba Association of Registered Nurses	9	89-04-27
Dr. Uma Parameswaran Manitoba Women's Agenda	11	89-04-29
Gwen Parker, Executive Secretary Manitoba Women's Institute	11	89-04-29
Robert Parsons, Private Citizen	11	89-04-29
Victor Payou, Private Citizen*	10	89-04-28
Peter Penner, Private Citizen	12	89-05-02
Percy Pielak, Private Citizen	4	89-04-18
Mayor Rick Plaisier Town of Virden Council	6	89-04-24
Todd Plaisier, Private Citizen	6	89-04-24
Ruth Poersch, Private Citizen	2	89-04-11
Joyce Potter, Private Citizen	2	89-04-11
Marc Poulin, Private Citizen	11	89-04-29
Edward G. Price, Private Citizen	10	89-04-28
Roy Price, Private Citizen*	9	89-04-27
Maurice Prince* l'Association des Pro-Canadiens	11	89-04-29
Donna Pritchard The Pas NDP Constituency Association	4	89-04-18
Michèle Pujol Manitoba Advisory Council on the Status of Women	9	89-04-27

NAME	ISSUE	DATE
Professor J.E. Rea, Private Citizen	9	89-04-27
Larry Reid Thompson Liberal Party Association	5	89-04-19
Reeve Ron Renwick Rural Municipalities of Arthur and Edward	6	89-04-24
Ruby Reske-Naurocki, Private Citizen	9	89-04-27
W.J. Rettie, Private Citizen	9	89-04-27
Dennis Rice Libertarian Party of Manitoba	12	89-05-02
Glenda Richard, Private Citizen	8	89-04-26
Alice Richmond, Private Citizen	12	89-05-02
G. Patrick S. Riley, Private Citizen*	9	89-04-27
Tony Riley, Private Citizen	6	89-04-24
Carl Roberts Dakota Ojibway Tribal Council	7	89-04-25
Barbara Robinson, Private Citizen*	12	89-05-02
Julie Robinson Thompson Action Committee on the Status of Women	5	89-04-19
Marion Robinsong, Private Citizen	6	89-04-24
Richard S. Rosenberg Protect Canada Committee	12	89-05-02
Terry Rothwell, Private Citizen*	12	89-05-02
Walter Rudyk, Private Citizen*	4	89-04-18
Marguerite Sanderson* Opasquiak Women's Group	4	89-04-18
Peter Sanderson, Private Citizen*	12	89-05-02
Sol Sanderson Dakota Ojibway Tribal Council	7	89-04-25

NAME	ISSUE	DATE
Len Sawatsky, Private Citizen	11	89-04-29
Beate Schiffer-Graham German-Canadian Congress	10	89-04-28
Edgar Schmidt, Private Citizen*	2	89-04-11
Herb Schulz, Private Citizen	12	89-05-02
Professor Bryan Schwartz, Private Citizen	1	89-04-06
Laura Sevenhuysen, Provincial President Canadian Parents for French (Manitoba)	11	89-04-29
Bert Siemens, Private Citizen	2	89-04-11
Peter Sim, Private Citizen	11	89-04-29
Ray Sigurdson Union of Manitoba Municipalities	10	89-04-28
Alex Simpson, Private Citizen*	8	89-04-26
Allan Simpson, Private Citizen*	12	89-05-02
Ronald Simpson, Private Citizen	6	89-04-24
Michael S. Sirtonski, Private Citizen	8	89-04-26
Berenice B. Sisler, Private Citizen	10	89-04-28
Robert Gordon Smellie, Q.C. Canadian Committee for a Triple E Senate, Manitoba Division	10	89-04-28
W. Archie Speers, Private Citizen	11	89-04-29
Senator Mira Spivak, Private Citizen	11	89-04-29
Gale Stechishin, Vice-Chairperson Manitoba Child Care Association	9	89-04-27
Morris Stefaniuk, Private Citizen*	8	89-04-26
Alice Steinbart, Private Citizen	12	89-05-02
Chief Louis Stevenson, Provincial Leader Assembly of Manitoba Chiefs	11	89-04-29

NAME	ISSUE	DATE
Frances Stewart, Private Citizen	8	89-04-26
William G. Storsley, Private Citizen	10	89-04-28
Terry R. Stratton, Private Citizen	12	89-05-02
Joanne Sutherland Brandon Teacher's Association	6	89-04-24
Frank Syms, Private Citizen*	1	89-04-06
Shayne P. Taback, Private Citizen	11	89-04-29
Paul Taylor, Private Citizen	12	89-05-02
Rhéal E. Teffaine, Private Citizen	9	89-04-27
Leo V. Teillet L'Association des juristes d'expression française du Manitoba Inc.	12	89-05-02
George Telford, Private Citizen	6	89-04-24
Ron M. Telpner, Private Citizen	10	89-04-28
John Templeton, Private Citizen	6	89-04-24
Rae Tigg, Private Citizen	8	89-04-26
Henry Toews, Private Citizen*	2	89-04-11
Jeff Toews, General Manager Brandon Chamber of Commerce	6	89-04-24
Scott Topolnitsky, Private Citizen	10	89-04-28
Gwen Trip, Private Citizen	7	89-04-25
Zully Trujillo, Private Citizen	9	89-04-27
Jerry Turchyn, Private Citizen	2	89-04-11
Charles R. Turner, Private Citizen	6	89-04-24
Nora E. Turner, Private Citizen	6	89-04-24
Mayor Bruce Unfried, Private Citizen*	4	89-04-18
George Van Den Bosch, Private Citizen	10	89-04-28

NAME	ISSUE	DATE
Cornelis (Neil) Vanderput, Private Citizen	2	89-04-11
Hetty Vanderput-Vos, Private Citizen	2	89-04-11
Martin Voss, Private Citizen	5	89-04-19
Gerald Wachsmann, Private Citizen	10	89-04-28
Dave Wagner, Private Citizen	6	89-04-24
David Weiss, Private Citizen*	6	89-04-24
Carl J. Wenaas, Private Citizen	9	89-04-27
Roxroy West, Private Citizen	12	89-05-02
Beth West-Fall Brandon University Status of Women Organization	7	89-04-25
Brian White Member of Parliament for Dauphin-Swan River	8	89-04-26
Rachael White Kenton-Hamiota Women's Study Group	7	89-04-25
John Wiebe Confederation of Regions Party	2	89-04-11
John M. Wiens, Private Citizen	2	89-04-11
Nick Wiersema, Private Citizen	10	89-04-28
Joseph J. Wilder, Q.C., Vice-President Canadian Jewish Congress, Manitoba Region	10	89-04-28
Annette Willborn, Executive Director Downtown Branch, YM-YWCA of Winnipeg	1	89-04-06
Cindy Williams, Private Citizen	4	89-04-18
Glen T. Williams, Q.C., Private Citizen*	6	89-04-24
Colleen Wilson, Private Citizen	9	89-04-27
Gustine Wilton, Private Citizen	2	89-04-11
Bernie Wolfe, Private Citizen*	11	89-04-29

NAME	ISSUE	DATE
Daniel Wood, Elder St. Theresa Point Band	3	89-04-14
Joe Guy Wood, Representative Island Lake Communities of Garden Hill, St. Theresa Point, Wasagamack, and Red Sucker Lake	3	89-04-14
Chief Ken Wood, Regional Chief and Chairman Island Lake Tribal Council and St. Theresa Point Band	3	89-04-14
Noel Wood Youth Council of Wassagamach	3	89-04-14
Gladys Worthington Westman Coalition on Equality Rights in the 1987 Meech Lake Accord	7	89-04-25
John Wright, Private Citizen	6	89-04-24
John Wynen, Private Citizen	12	89-05-02
Jim Wynes, Private Citizen*	8	89-04-26
Professor Rodney Yellon, Private Citizen*	12	89-05-02
Joe Zebrowski, Private Citizen*	11	89-04-29
Gerald Zucawich, Private Citizen*	12	89-05-02

Written presentations may be examined in several libraries in Manitoba as follows:

The Legislative Library
University of Manitoba Library
University of Winnipeg Library
University of Brandon Library
The Winnipeg Public Library
The Brandon Public Library
The Thompson Public Library

APPENDIX B

The following is a listing of individuals and organizations of the Province of Manitoba who did not appear before the Task Force but who submitted written presentations.

Z. Adams
Winnipeg, Manitoba

Wilmer C. Barss
Portage la Prairie, Manitoba

Karel J.G. Beckman
Winnipeg, Manitoba

Howard E. Bennett
Carman, Manitoba

Lori Boyko
Birtle, Manitoba

M. Chlan
Flin Flon, Manitoba

Bonita R. Cobb
Winnipeg, Manitoba

Conseil Jeunesse Provincial Inc.
St. Boniface, Manitoba

Mathilda Dunn
Winnipeg, Manitoba

Brian J. Fraser
Winnipeg, Manitoba

D. Galbraith, Donna Porter, J. Siefert
(Joint submission)
Dauphin, Manitoba

Bonnie Guthrie
Reston, Manitoba

C.E. Harding
Winnipeg, Manitoba

Val Harrar
Birtle, Manitoba

Catherine and John Hedley
Winnipeg, Manitoba

Elaine Horrocks
Beausejour, Manitoba

Lars C. Jansson
Winnipeg, Manitoba

Clarence Kiesman
Moosehorn, Manitoba

Samuel Y. Lin
Winnipeg, Manitoba

Manitoba Association of Rights and Liberties (MARL)
Winnipeg, Manitoba

The Manitoba Provincial Organization of Business
and Professional Women's Clubs
Winnipeg, Manitoba

Marlene Maykut
Carman, Manitoba

M. James McFeetors
Winnipeg, Manitoba

Marion McNabb
Minnedosa, Manitoba

Gary Naurocki
Beausejour, Manitoba

Donna Pierce
Beausejour, Manitoba

Celia Sarbit
Brandon, Manitoba

Liz Sarin (Joint submission with T. Alguire and J. Harrison)
Ashville, Manitoba

Jack Selver
Winnipeg, Manitoba

A.A. Sliwa
Winnipeg, Manitoba

William D. Sloane
Clearwater, Manitoba

Elizabeth R. Somersall
Souris, Manitoba

Fletcher Stewart
The Pas, Manitoba

Thompson Business and Professional Women's Club
Thompson, Manitoba

Cathy Tully
Portage la Prairie, Manitoba

D.G. Wade
Winnipeg, Manitoba

Jennifer Woolston
Winnipeg, Manitoba

C. Worms
Winnipeg, Manitoba

Jim Yates
Winnipeg, Manitoba

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University of Brandon Library
The Winnipeg Public Library
The Brandon Public Library
The Thompson Public Library

APPENDIX C

The following is a list of individuals and organizations from out of province who submitted written presentations to the Manitoba Task Force on Meech Lake.

Professor Keith G. Banting, Queen's University
Professor Thomas J. Courchene, Queen's University
Professor William R. Lederman, Queen's University
Professor Kenneth McRoberts, York University
Professor John Meisel, Queen's University
Professor Kenneth Norrie, University of Alberta
Professor Peter Russell, University of Toronto
Professor Richard Simeon, Queen's University
Professor Donald V. Smiley, York University
Professor Daniel Soberman, Queen's University
Professor Hugh G. Thorburn, Queen's University
Professor Ronald L. Watts, Queen's University
(Joint Submission)

Canadian Rights and Liberties Federation
Ross Lamberton, President
Ottawa, Ontario

William Chahley
Rothesay, New Brunswick

Chiefs of Ontario
Gordon Peters, Ontario Regional Chief
Toronto, Ontario

Council of Christian Reformed Churches in Canada
Committee for Contact with the Government
Aileen Van Ginkel, Research and Communications Associate
Burlington, Ontario

Deborah Coyne, Member
Canadian Coalition on the Constitution
Toronto, Ontario

Peter Dash
St. Lambert, Quebec

Eugene Forsey, C.C., P.C.
(Senator of Canada)

Sharon Harley
Matheson, Ontario

Michael A. Jaeger
Cambridge, Ontario

Professor Frank MacKinnon
Professor Emeritus of Political Science
University of Calgary

National Congress of Italian Canadians
Annamarie P. Castrilli, President
Ottawa, Ontario

Lyle Walter, Senior
Toronto, Ontario

Gerry Williams
Ottawa, Ontario

E.L.R. Williamson
Consulting Economist
Ottawa, Ontario

Written presentations may be examined in several libraries in Manitoba as follows:

The Legislative Library
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University of Winnipeg Library
University of Brandon Library
The Winnipeg Public Library
The Brandon Public Library
The Thompson Public Library